

## **Chapter 108**

### **LITTERING**

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- § 108-10. Parking lots.**
- § 108-11. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 6-9-1980 as Ord. No. 80-11. Section 108-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **GENERAL REFERENCES**

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

## **§ 108-1. Definitions.**

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

### **SOUTH GREENSBURG CODE**

**AUTHORIZED PRIVATE RECEPTACLE** — A container of watertight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such "receptacles" shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods.

**LITTER** — Any uncontainerized man-made or man-used waste which, if deposited within the borough otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the people of the borough. "Litter" may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other construction materials, motor vehicle parts, furniture, oil, carcasses of dead animals or nauseous or offensive matter of any kind or any object likely to injure any person or create a traffic hazard.

**PRIVATE PREMISES** — All property, including but not limited to vacant land or any land, building or other structure designed or use for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structure appurtenant thereto.

**PUBLIC PLACE** — Any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses or fountains and any and all public parks, squares, spaces, grounds, playgrounds and buildings.

**PUBLIC RECEPTACLES** — Any receptacles provided by or authorized by the borough.

VEHICLE — Every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

**§ 108-2. Littering prohibited.**

No person shall deposit any litter within the borough except in public receptacles, in authorized private receptacles for collection or in any duly licensed disposal facility.

**§ 108-3. Dogs in public places.**

No person shall permit a dog owned by said individual or under said individual's control to deposit excrement from said dog in any public places.

**§ 108-4. Prevention of scattering.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

**§108-5. Upsetting or tampering with receptacles.**

No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

**§ 108-6. Littering sidewalks or alleys.**

Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

**§108-7. Maintenance of private premises.**

- A. The owner or person in control of any private premises shall at all times maintain the premises free of litter.
- B. The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

#### **§ 108-8. Litter from vehicles.**

- A. No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.
- B. No person shall drive or move any truck or other vehicle within the borough unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any public place or private premises, nor shall any person drive or move any vehicle or truck within the borough, the wheels or tires of which carry onto or deposit in any public place or private premises mud, dirt, sticky substances, litter or foreign matter of any kind.

#### **§108-9. Litter in parks.**

No person shall deposit litter in any park within the borough except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

#### **§108-10. Parking lots.**

- A. Litter receptacles required. Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this section. Such premises shall include but not be limited to such places as shopping centers,

outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

- B. Obligation to use receptacles. It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended, and it shall be unlawful for any person or persons to deposit upon any such parking lot any litter.

### **§108-11. Violations and penalties.**

Any person, firm or corporation violating any provision of this chapter shall be fined not more than six hundred dollars (\$600.) and costs of prosecution for each offense and, upon default in payment of the fine and costs, shall be imprisoned for not more than thirty (30) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **Chapter 112**

### **MASSAGE PARLORS**

- § 112-1. Definitions.**
- § 112-2. Permit required.**
- § 112-3. Application for permit.**
- § 112-4. Application for masseur's permit.**
- § 112-5. Approval by Police Chief.**
- § 112-6. Issuance or denial of massage business permit.**
- § 112-7. Display of permit.**
- § 112-8. Permit fees.**
- § 112-9. Revocation or suspension of permit.**
- § 112-10. Keeping of records.**
- § 112-11. Permits not transferable.**
- § 112-12. Sanitation and safety requirements.**
- § 112-13. Supervision of business.**
- § 112-14. Exclusion of certain minors.**
- § 112-15. Alcoholic beverages excluded.**
- § 112-16. Exceptions.**
- § 112-17. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 10-8-1979 as a portion of Ch. 3 of the Code of Ordinances. Section 112-17 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

- § 112-1. Definitions.**

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meanings and application of words and phrases used in this chapter.

**EMPLOYEE** — Any person over eighteen (18) years of age, other than a masseur, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

**MASSAGE** — The method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument or by the application of air, liquid or vapor baths of any kind whatever.

**MASSEUR** — Any person who engages in the practice of massage as herein defined. The use of the masculine gender shall include in all cases the feminine gender as well.

**PATRON** — Any person over eighteen (18) years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

**RECOGNIZED SCHOOL** — Any school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than seventy (70) hours before the student shall be furnished with a diploma or certificate of graduation from such school following the successful completion of such course of study or learning.

## **§ 112-2. Permit required.**

- A. Business permit required. No person shall engage in or carry on the business of massage unless he has a valid massage business permit issued by the borough pursuant to the provisions of this chapter for each and every separate office or place of business conducted by such person.

- B. Masseur's permit required. No person shall practice massage as a masseur, employee or otherwise unless he has a valid and subsisting masseur's permit issued to him by the borough pursuant to the provisions of this chapter.

### **§ 112-3. Application for permit.**

Any person desiring a massage business permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall, in addition, furnish the following".

- A. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.
- B. The name, style and designation under which the business or practice is to be conducted.
- C. The business address and all telephone numbers where the business is to be conducted.
- D. A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business.
- E. The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten percent (10%) of the stock of the corporation and each officer and each director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
  - (1) Name, complete address and residence telephone numbers.
  - (2) The two (2) previous addresses immediately prior to the present address of the applicant.
  - (3) Written proof of age.



- (4) Height, weight, color of hair and eyes and sex.
  - (5) Two (2) front face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size.
  - (6) The massage or similar business history and experience, including but not limited to whether or not such person in previously operating in this or another borough or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action of denial, suspension or revocation.
  - (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and the circumstances thereof.
  - (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
  - (9) A diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage business.
- F. Such other information, identification and physical examination of the person as shall be deemed necessary by the Police Chief to discover the truth of the matters hereinbefore required to be set forth in the application.
- G. Authorization for the borough, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- H. The names and addresses of three (3) adult residents of the county who will serve as character references. These references must be persons other than relatives and business associates.

- I. A written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the borough.

#### **§ 112-4. Application for masseur's permit.**

Any person desiring a masseur's permit shall file a written application with the Police Chief on a form to be furnished by the Police Chief. The applicant shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

- A. The business address and all telephone numbers where the massage is to be practiced.
- B. The following personal information concerning the applicant:
  - (1) Name, complete residence address and residence telephone numbers.
  - (2) The two (2) previous addresses immediately prior to the present address of the applicant.
  - (3) Written proof of age.
  - (4) Height, weight, color of hair and eyes and sex.
  - (5) Two (2) front face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size.
  - (6) The massage or similar business history and experience, including but not limited to whether or not such person in previously operating in this or another borough or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action of denial, suspension or revocation.
  - (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted

and the offenses for which convicted and the circumstances thereof.

- (8) A complete set of fingerprints taken and to be retained on file by the Police Chief or his authorized representatives.
  - (9) A diploma, certificate or other written proof of graduation from a recognized school where the theory, method, profession or work of massage is taught.
  - (10) A statement, in writing, from a licensed physician in the commonwealth that he has examined the applicant and believes the applicant to be free of all communicable diseases.
- C. Such other information, identification and physical examination of the person deemed necessary by the Police Chief in order to discover the truth of the matters hereinbefore required to be set forth in the application.
  - D. Authorization for the borough, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
  - E. A written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the borough.

#### **§ 112-5. Approval by Police Chief.**

Upon receiving the application for a massage business or masseur's permit, the Police Chief shall conduct an investigation into the applicant's moral character and personal and criminal history. The Police Chief may, in his discretion, require a personal interview of the applicant and such other information, identification and physical examination of the person as shall bear on the investigation. In the case of applications for massage business permits, the Police Chief shall cause to be conducted an investigation of the premises where the massage business is to be carried on for the purposes of assuring that such premises comply with all the sanitation requirements as set forth in this chapter and with the regulations of public health, safety and

welfare. Before any permit shall be issued under this chapter, the Police Chief shall first sign his approval of the application.

### **§ 112-6. Issuance or denial of massage business permit.**

The Police Chief shall issue a massage business permit within forty-five (45) days of receipt of the application unless he finds that:

- A. The correct permit fee has not been tendered to the borough and, in the case of a check or bank draft, honored with payment upon presentation.
- B. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the borough's building, zoning and health regulations.
- C. The applicant, if an individual; or any of the stockholders holding more than ten percent (10%) of the stock of the corporation and any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business have been convicted of any crime involving dishonesty, fraud or deceit, unless such conviction occurred at least five (5) years prior to the date of the application.
- D. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the borough in conjunction therewith.
- E. The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended for any of the above causes by the borough or any other state or local agency within five (5) years prior to the date of the application.
- F. The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

- G. The manager or other person principally in charge of the operation of the business has not successfully completed a resident course of study or learning of not less than seventy (70) hours from a recognized school where the theory, method, profession or work of massage is taught.

### **§ 112-7. Display of permit.**

The massage business permittee shall display his permit and that of each and every masseur employed in the establishment in an open and conspicuous place on the premises of the massage business.

### **§ 112-8. Permit fees.**

The permit fee for a massage business shall be as designated by Council pursuant to §1-16 herein.

### **§ 112-9. Revocation or suspension of permit.**

Any massage business or masseur's permit issued under this chapter shall be subject to suspension or revocation by the Police Chief for violation of any provision of this chapter or for any grounds that would warrant the denial of issuance of such permit in the first place. The Chief, upon such revocation or suspension, shall state his reasons, in writing, specifying the particular grounds for such revocation or suspension.

### **§ 112-10. Keeping of records.**

Every person who operates a massage business or practices or provides a massage shall at all times keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service and the service provided. Such appointment book shall be available at all times for inspection by the Police Chief or his authorized representatives.

### **§ 112-11. Permits not transferable.**

No massage business and masseur permits are transferable, separate or divisible, and such authority as a permit confers shall be conferred only on the permittee named therein.

### **§ 112-12. Sanitation and safety requirements.**

All premises used by permittees hereunder shall be periodically inspected by the Police Chief or his authorized representatives for safety of the structure and adequacy of plumbing, ventilation, heating and illumination. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patients shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one (1) patron. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron. No massage service or practice shall be carried on within any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof.

### **§ 112-13. Supervision of business.**

A permittee shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one (1) person who qualifies as a masseur on the premises at all times while the establishment is open. The permittee shall personally supervise the business and shall not violate or permit others to violate any applicable provision of this chapter. The violation of any such provision by any agent or employee of the premises shall constitute a violation by the permittee.

### **§ 112-14. Exclusion of certain minors.**

No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage business establishment as masseur, employee or patron unless such person is on the premises on lawful business.

#### **§112-15. Alcoholic beverages excluded.**

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage on the premises of any massage business.

#### **§ 112-16. Exceptions.**

The provisions of this chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts under the laws of the commonwealth or persons working under the direction of any such persons or in any such establishment, nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.

#### **§ 112-17. Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not more than six hundred dollars (\$600.) and costs of prosecution for each offense or, upon default in payment of the fine and costs, shall be imprisoned for not more than thirty (30) days for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **Chapter 114**

### **MOBILE HOMES**

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**ARTICLE XIII**  
**Penalties**

**§ 114-26. 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**

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

**Fire prevention — See Ch. 79.**

**Flood damage prevention — See Ch. 86.**

**Heating equipment — See Ch. 97.**

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

**Smoke and heat detectors — See Ch. 138.**

**Zoning — See Ch. 163.**

## **ARTICLE I**

### **Purpose**

#### **§ 114-1. Purpose of chapter.**

Pursuant to the Borough Code, as amended, the purpose of this chapter is to regulate mobile homes, mobile home parks and mobile home lots in order to better protect the health, safety and general welfare of the Borough of South Greensburg and of all persons living in mobile homes within said borough.

## **ARTICLE II**

### **Definitions**

#### **§ 114-2. Definitions and word usage.**

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended.

##### **A. Definitions.**

**BOROUGH COUNCIL** — The duly elected Council of the Borough of South Greensburg.

**HEALTH AUTHORITY** — That department or those departments, state or county, charged with the regulation, authorization, control and licensing of mobile home parks.

**LICENSE** — Written approval, in whatever form, as issued by the appropriate health authorities, authorizing a person to operate and maintain a mobile home park.

**MOBILE HOME** — A transportable building intended for permanent occupancy as a single-family dwelling, office or place of assembly contained in one (1) unit or in two (2) units, each having separate and individual sets of axles, designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations

and constructed so that it may be used without a permanent foundation. The term "mobile home" shall not include a modular home.

**MOBILE HOME PARK** — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

**MOBILE HOME STAND** — A parcel of land in a mobile home park, improved with necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**PERSON** — Includes an individual, corporation, partnership, incorporator's association or any other similar entity.

**RECREATION VEHICLE** — A vehicle which may be towed or driven on the public highways without a special hauling permit and which is designed for human occupancy under transient circumstances, such as camping, travel or other recreation, sometimes variously known as a "travel trailer" or a "camping trailer."

**SERVICE BUILDING** — A structure housing operation, office, recreational, park maintenance, laundry and other service facilities.

**SEWER CONNECTION** — All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

**SEWER RISER PIPE** — That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home space.

**TRAILER** — Same as "mobile home."

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

## **ARTICLE III**

### **Regulation of Mobile Homes**

#### **§ 114-3. Compliance required.**

It shall be unlawful within the limits of the Borough of South Greensburg, Pennsylvania, for any person to park or locate any mobile home on any tract of land, occupied or unoccupied, within the borough, except as provided in this chapter.

#### **§ 114-4. Parking on streets.**

No person shall allow any trailer to stand upon any of the streets or alleys in the Borough of South Greensburg without being attached to a licensed and inspected motor vehicle capable of pulling the trailer.

#### **§ 114-5. Time limit for parking.**

No person shall park any trailer attached to a motor vehicle on any street or alley in the Borough of South Greensburg for a period of time longer than that allowed for the parking of vehicles upon such street or alley by the applicable state laws and the ordinance of the Borough of South Greensburg applicable to traffic and parking. Any person who shall violate this section shall be subject to the penalties specifically provided in such laws or ordinance, as the case may be.

#### **§ 114-6. Occupancy of mobile home; unoccupied storage.**

No person shall occupy any mobile home for sleeping or living quarters other than on a duly permitted mobile home stand. A mobile home which is permanently erected on and attached to a foundation having a fixed location on the ground and in the normal frame of reference is considered immobile may be occupied, provided that such home is placed on a lot which meets the requirements of any applicable zoning and subdivision regulations. The parking of only one (1) unoccupied mobile home in any accessory building, private garage or a rear yard shall be permitted, provided that said mobile home shall not be occupied while such is so parked or stored. One (1)

occupied mobile home shall be allowed on farms upon condition that the front line of the mobile home shall not extend nearer to the street line than the rear line of the farm dwelling and that a piped water supply, approved means of sanitary sewage disposal and electrical facilities are provided for said mobile home.

## **ARTICLE IV**

### **Requirements for Mobile Home Parks**

#### **§ 114-7. Compliance required.**

All mobile home parks shall comply with the requirements set forth hereinafter in § 114-8 of this Article IV, as well as all other provisions of this chapter.

#### **§ 114-8. Basic requirements.**

##### **A. Area and density regulations.**

- (1) **Minimum size.** The minimum size of a mobile home park for which a building permit or certificate of use and occupancy may be issued shall be five (5) acres.
- (2) **Density.** The total of lots in a park shall not exceed an average density of four (4) per acre of land within the mobile home park, unless The Zoning Ordinance<sup>4</sup> requires a lesser density, which said park shall, for these purposes, be defined as being bounded by the right-of-way lines of public roads abutting the same, any zoning district boundary lines adjacent to a zoning district within which mobile home parks are not a permitted use and property lines of the applicant. Where a public road passes through the mobile home park, the same, for the purpose of the density computations, shall be deemed to create separate mobile home parks on either side of the public road, and each shall be limited by density computations separate and distinct from the other.

- (3) Setback. No mobile home nor any other building or part thereof or any parking area shall be located within fifty (50) feet of any public street right-of-way line or any other mobile home park boundary line.
- (4) Yard. There shall be a minimum building setback line of twenty-five (25) feet from all interior roadways.
- (5) Distance between buildings. Mobile homes shall be separated from each other and service or accessory buildings and the adjoining pavement of a mobile home park street or common parking area by at least twenty (20) feet.

B. Required mobile home space size and mobile home stand.

- (1) Mobile home space size. The minimum area of any mobile home space shall be four thousand six hundred (4,600) square feet, nine thousand eight hundred (9,800) square feet or fifteen thousand (15,000) square feet, depending on the method of sewage disposal system used and referenced under the density requirements in Subsection A.
- (2) Each mobile home space shall be at least thirty (30) feet wide.
- (3) Mobile home stand. Each mobile home space shall be provided with a hard-surfaced mobile home stand which has a foundation that will not heave, shift or settle unevenly because of front action, inadequate drainage, vibration or other forces acting on it. Each mobile home stand shall be equipped with properly designed utility connections. The space between the floor of the mobile home and the mobile home stand shall be enclosed to protect service and utility connections.

C. Mobile home requirements.

- (1) Minimum floor area. All mobile homes located in a mobile home park shall have a minimum of four hundred (400) square feet of floor space.

- (2) Utilities. All located within a mobile home park shall be properly connected to approved water, sewer and electrical outlets.

#### D. Service and accessory buildings.

- (1) Construction. All service and accessory buildings, including management offices, storage areas, laundry buildings and indoor recreation areas, shall be adequately constructed, ventilated and maintained so as to prevent decay, corrosion, termites and other destructive elements from causing deterioration. The construction of all service and accessory buildings shall be in accordance with the requirements of Chapter 61, Building Construction.
- (2) Accessory buildings. Service and accessory buildings shown on an approved plan may be erected in a mobile home park. All attachments to individual mobile homes in the form of buildings such as sheds and lean-tos are prohibited.
- (3) Storage space. Occupants of each mobile home space shall be provided with at least one hundred fifty (150) cubic feet of enclosed storage space. The type of storage facility shall be approved by the township.
- (4) Mobile home park office. In every trailer park there shall be an office in which shall be located the office of the person in charge of the trailer park.

#### E. Water supply.

- (1) Approved water supply. All mobile home parks shall be connected to an approved potable water system subject to the requirements of the Pennsylvania Department of Environmental Resources.
- (2) All mobile home parks shall be provided with a complete water distribution system. The design and installation of such system shall be subject to the approval of the Pennsylvania Department of Environmental Resources or, when connected to a public



water system, the appropriate operating authority of the water system.

- F. Sewage disposal. Approved sewerage system. All mobile home parks shall be connected to a public or approved community sewerage system when available. When a mobile home park is not connected to a public or approved community sewerage system, sewage shall be collected and disposed of by a method approved by all necessary regulatory agencies.
- G. Storm drainage. Surface drainage facilities shall be provided in accordance with current standards.
- H. Mobile home park streets.
  - (1) General requirements. A safe and convenient vehicular access shall be provided from adjacent public streets or roads.
  - (2) Access. The entrance road or area connecting the park with a public street or road shall have a minimum pavement width of twenty-five (25) feet for a distance of fifty (50) feet from the public street right-of-way and a roadway edge radius of twenty-five (25) feet at the intersection.
  - (3) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic and, in any case, shall meet the following minimum requirements.
    - (a) A minimum road pavement width of twenty (20) feet will be required. No on-street parking is permitted.
    - (b) Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway radius of at least forty (40) feet.
  - (4) Each mobile home space shall abut on a park street with access to such street. Access to all mobile home spaces shall be from the park streets and not from public streets or highways.
- I. Off-street parking.

- (1) Each mobile home shall be provided with a minimum of two (2) paved parking spaces of bituminous or concrete surface which shall be located on the mobile home space.
- J. Ground cover and screening.
- (1) Surface protection. Ground surfaces in all of the park shall be paved, covered with other solid material or protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
  - (2) Harmful vegetation. Park grounds shall be maintained free of vegetable growth which is poisonous or which may harbor rodents, insects harmful to man or other pests harmful to man.
  - (3) Visual screening. All mobile home parks shall be required to provide visual screening such as fence or natural growth along the property boundary line.
- K. Electrical distribution. Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable Code provisions. Each mobile home shall be connected to this electrical distribution system. The electrical distribution system shall be installed underground.
- L. Solid waste and vector control.
- (1) Solid waste disposal and vector control shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the Westmoreland County Health Department.

## **ARTICLE V**

### **Permits, Plans and Certificates**

#### **§ 114-9. Permits; fees.**

Any person desiring to construct, operate or maintain a mobile home park shall make application for a permit to the Secretary of the Borough

Council. A permit to construct, operate or maintain a mobile home park shall be issued only after a plan, which has been approved by the Pennsylvania Department of Health, has been filed with and approved by the Borough Council. The fee for such permits shall be as designated by Council pursuant to §1-16 herein. This fee shall cover the cost of the services of borough officers and employees in making the necessary studies and investigations in connection with such application and shall be subject to revision by a resolution of the Borough Council.

## **§ 114-10. Plans.**

- A. All plans submitted shall contain the following information at a scale of not less than one (1) inch equals fifty (50) feet:
- (1) All information required by Rules and Regulations, Commonwealth of Pennsylvania, Department of Health, Chapter 4, Article 415, Regulations for Mobile Home Parks, Section 4, Submission and Review of Plans, adopted October 30, 1959, as amended from time to time.
  - (2) The name of the mobile home park.
  - (3) The name of the municipality.
  - (4) The date of plan preparation.
  - (5) Graphic scale.
  - (6) The name and address of the firm preparing the plan.
  - (7) North point.
  - (8) The name and address of the owner of record and title source.
  - (9) The name and address of the operator, if not the owner of record.
  - (10) Site data.
    - (a) The number of mobile home spaces.
    - (b) The number of acres.
    - (c) Density per acre.

- (d) The number of off-street parking spaces.
- (11) The layout of the park, which shows the items required by this chapter.
- (12) The location of off-street parking spaces on a typical lot.
- (13) A typical cross section of all park streets.
- (14) A center-line profile of all park streets.
- (15) The location and source of all utilities.
- (16) The location and identity of all recreational facilities.
- (17) The location and use of all service and accessory buildings.
- (18) The location of all fire-fighting items, including but not limited to hydrants, extinguishers, etc.
- (19) The seal of the person who prepared the plan.
- (20) Block for approval by the Municipal Engineer, if required by the borough.
- (21) Block for approval by the Borough Council.

B. The applicant shall also submit, under signature, information as to:

- (1) The method and plan of sewage disposal.
- (2) The method and plan of garbage and refuse disposal.
- (3) The plan for water supply.

## **§ 114-11. Certificates.**

- A. It shall be unlawful within the borough to construct, maintain or operate a mobile home park without first securing from the Borough Council a permit to operate a mobile home park in the borough or, in the case where a new park or an addition to an existing park is proposed, approval of proposed improvements.
- B. Approval by the Borough Council of the mobile home park plan shall be by a certificate of approval of the plan in accordance with

the requirements of this chapter and shall only serve as authority to construct the mobile home park or improvements in accordance with this chapter.

- C. After construction of a mobile home park or, in the case of an existing park, if it is found that the mobile home park meets the requirements of this chapter, a permit authorizing the applicant to operate the park shall be issued. This permit shall only serve to authorize the applicant to operate the park in strict accordance with the provisions of this chapter.

## **ARTICLE VI**

### **Terms of Permit; Renewal, Transfer and Revocation**

#### **§ 114-12. Duration of permit; renewal; fee.**

The permit issued by the Borough Council shall expire one (1) year from the date of issuance but may be renewed under the provisions of this chapter for additional periods of one (1) year each. A permit fee, as designated by Council pursuant to §1-16 herein, must be paid for each year that the permit is renewed.

#### **§ 114-13. Enforcement.**

The Borough Council is specifically charged with the enforcement of this chapter. The Council shall cause periodic inspections of mobile home parks to be made by themselves or by a designated representative at reasonable intervals and shall have the power to revoke permits to operate mobile home parks for noncompliance with the provisions of this chapter or as otherwise provided hereunder.

#### **§ 114-14. Permit not transferable.**

The permit required by this chapter is not transferable either to a new location or to a new permittee at the same location.

### **§ 114-15. Changes in area or facilities.**

No person holding a permit to operate a mobile home park under this chapter shall extend, modify or reduce the area of the permitted park or add or eliminate any facilities or structures without the prior approval of the Borough Council and such other county and state agents as have regulatory jurisdiction over the mobile home park. All proposed changes shall be submitted to the permit officer, who shall investigate and determine, as in the case of an original application for a permit, that such proposed change is in accordance with all of the requirements of this chapter. The permit officer shall report his findings to the Borough Council, which shall either approve the change or disapprove the change. In the event that the change is disapproved, the Council shall state the reasons why the change is denied and advise the applicant through the permit officer what is required in order to comply with this chapter.

### **§ 114-16. Revocation of permit.**

Any mobile home park operator permit issued by the Borough Council shall be subject to revocation by said Council for the violation by the permittee of any provision of this chapter, any of the laws of the Commonwealth of Pennsylvania or any rules and regulations promulgated thereunder pertaining hereto and shall also be subject to revocation by the Council if the permittee, under cover of such permit, violates or aids or abets in violating or knowingly to be violated any ordinances of the borough or laws of the Commonwealth of Pennsylvania or any rules or regulations thereunder.

### **§ 114-17. Cancellation or suspension of permit.**

Upon conviction of any violation of this chapter, the mobile home park operator's permit shall be automatically canceled. The mobile home park shall not be operated as such until a new application shall be made for a permit, which shall contain, in addition to all other items required by this chapter, reasonable assurances to prevent further violations of the nature for which conviction was a result. The Borough Council, by simple resolution, may suspend the permit and thus suspend the operation of a mobile home park upon receipt of evidence of an obvious violation. Such suspended

permit may be reinstated for the balance of the year for which it was issued upon compliance by the holder thereof with all conditions for reinstatement set forth in the resolution of suspension. No person shall operate a mobile home park during the time when a permit therefor shall have been canceled or suspended.

## **ARTICLE VII**

### **Mobile Home Park Employees**

#### **§ 114-18. Park office.**

In every mobile home park where a permanent office building is required by Article IV, § 114-8D (4), the office of the person in charge of said park shall be situated therein. A copy of the park permit and of this chapter shall be posted therein, and the park register shall at all times be kept in said office.

#### **§ 114-19. Duties of park attendant or owner.**

It is hereby made the duty of the attendant or person in charge, the owner and the permittee to:

- A. Keep at all times a register of all occupants, which shall be open at all times to inspection by officers of the borough. Such register shall show for each occupant:
  - (1) His name and prior address and, for past occupants, a forwarding address.
  - (2) The dates of entrance and departure.
  - (3) The lot number upon which such trailer is parked or located.
  - (4) The state license number of such trailer and of the vehicle towing the same.
- B. Maintain the park in a clean, orderly and sanitary condition at all times.

- C. See to it that the provisions of this chapter are complied with and enforced and to report promptly to the proper authorities any violations of this chapter or any other violations of law which may come to their attention.
- D. Report to the Borough Council all cases of persons or animals affected or suspected of being affected with any communicable disease.
- E. Prevent the running loose of dogs, cats or other animals.
- F. Maintain in convenient places approved hand fire extinguishers in the ratio of one (1) to each mobile home space.
- G. Prohibit the burning of trash or rubbish on the premises except in such areas and times as may be specifically provided therefor in the mobile home park and approved by the Council.
- H. Prohibit the use of any mobile home by a greater number of occupants than that which it is designed to accommodate.
- I. Prohibit the parking of any mobile home for use as living quarters if said mobile home does not contain a minimum of four hundred (400) square feet.
- J. Maintain control of rodents, vermin, insects and other pests.
- K. See that no disorderly conduct or violation of any law or ordinance is committed upon the premises and immediately report to the proper authorities any violations which may come to their attention.
- L. Report to the State or County Board of Health all cases of persons or animals affected or suspected of being affected with any communicable disease and, where reason exists, that medical attention has not been sought.



## **ARTICLE VIII**

### **Present Operators of Parks and Occupants of Park Spaces**

#### **§ 114-20. Conformity with chapter; exceptions.**

Any person presently operating a mobile home park or maintaining a mobile home space within the limits of the Borough of South Greensburg shall cause the same to conform to the provisions of this chapter and, within thirty (30) days from the effective date hereof, make application for and secure a permit to operate said mobile home park. Full compliance shall be achieved within three (3) calendar months from the effective date of this chapter. Since certain hardship cases may arise because of unusual mobile home space dimensions or the construction of facilities prior to the adoption of this chapter, it is further specifically provided that a variance or exception may be granted as to any or all of the provisions of this chapter in a nondiscriminatory manner for cause shown in cases of existing parks or spaces.

## **ARTICLE IX**

### **Administration**

#### **§ 114-21. Minimum standards; conflicting regulations.**

The provisions of this chapter are the minimum standards for the protection of the public welfare, health, safety and morals. Where, by other ordinances, other requirements relating to the same subject matter are established, the more stringent requirements shall apply.

## **ARTICLE X**

### **Hardship Variances**

#### **§ 114-22. Granting of variance authorized.**

If any mandatory provisions of this chapter are shown by the applicant, to the satisfaction of the Borough Council, to be unreasonable and cause undue hardship, the Council shall be permitted to grant to such an applicant a variance from such mandatory provisions so that substantial justice may be

done and the public interest secured, provided that such variance will not have the effect of nullifying the intent and purpose of this chapter.

**§ 114-23. Conditions of variance.**

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

**ARTICLE XI**  
**Amendments**

**§ 114-24. Revision, amendment or repeal.**

The Borough Council of the Borough of South Greensburg may, from time to time, revise, modify, amend or repeal this chapter in accordance with procedures established under the applicable provisions of the Borough Code, as amended.

**ARTICLE XII**  
**Appeals; Hearings**

**§ 114-25. Hearing before Borough Council.**

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

**ARTICLE XIII**  
**Penalties**

**§ 114-26. Violations and penalties.**

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 one

thousand dollars (\$1,000.) and costs of prosecution and, upon default in payment of such fine and costs, to imprisonment for not more than thirty (30) days in the county prison. Each day's continuance of a violation shall constitute a separate offense.

## **Chapter 117**

### **OBSCENITIES**

**§ 117-1. Definitions.**

**§ 117-2. Prohibited conduct.**

**§ 117-3. Enforcement.**

**§ 117-4. Violations and penalties.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 3-10-1980 as Ord. No. 80-7. Sections 1172B(2)(a) and 117-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **§ 117-1. Definitions.**

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

**COMMUNITY STANDARDS** — The standards of the community from which the jury is drawn or would be drawn if it were the trier of the fact.

**KNOWINGLY** — Having knowledge of the character and content of the material involved or failure on notice to exercise reasonable inspection which would disclose the content and character of the same.

**OBSCENE** — That which is determined as obscene, applying the following guidelines:

- A. Whether the average person applying contemporary community standards would find that the subject matter taken as a whole appeal to the prurient interest;
- B. Whether the subject matter depicts or describes in a patently offensive way sexual conduct, of a type hereinafter described; and

- C. Whether the subject matter taken as a whole lacks serious literary, artistic, political or scientific value.

**PATENTLY OFFENSIVE** — so offensive on its face as to affront current standards of decency, and shall be deemed to include any of the following described forms of sexual conduct, if they are depicted so as to affront current standards of decency:

- A. An act of sexual intercourse, normal or perverted, actual or simulated, real or animated, including genital-genital, anal-genital or oral-genital intercourse, whether between human beings or between a human being and an animal.
- B. Sadoomasochistic abuse, meaning flagellation or torture or sexual gratification, by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.
- C. Masturbation, excretory functions and lewd exhibition of the genitals, including any explicit close-up representation of a human genital organ or spread-eagle exposure of female genital organs.
- D. Physical contact or simulated physical contact with the clothed or naked pubic area of buttocks of a human male or female or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals in an act of apparent sexual stimulation or gratification.
- E. A device designed and marketed as useful primarily for stimulation of the human genital organs.
- F. Male or female genitals in a discernibly turgid state.
- G. Fellatio, cunnilingus, anal sodomy, seminal ejaculation or any excretory function.

**PERSON** — A natural person, partnership or corporation. Whenever used in a clause describing or imposing a fine or term of imprisonment,

or both, the term "person" as applied to partnership shall mean the partners or members thereof and, as applied to corporation, shall mean the officers thereof.

## **§ 117-2. Prohibited conduct.**

### **A. General.**

- (1) No person shall knowingly either sell, rent, distribute, exhibit, show, transmit or offer either to sell, rent, distribute, exhibit, show or transmit or have in his possession or under his control with intent either to sell, rent, distribute, exhibit, show or transmit to another any obscene motion picture film or any obscene literature, book, magazine, pamphlet, newspaper, storybook, paper, comic book, writing, drawing, photograph, figure, image or any written or printed matter of an obscene nature or any device, article or instrument of an obscene nature.
- (2) No person shall knowingly participate in, support or in any way aid or assist any person in selling, renting, distributing or showing any obscene motion picture film or any obscene literature, book, magazine, pamphlet, newspaper, storybook, paper, comic book, writing, drawing, photograph, figure or image or any written or printed matter of an obscene nature or any device, article or instrument of an obscene nature.
- (3) No person shall knowingly design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene motion picture film or any obscene book, picture, film, drawing, magazine, pamphlet, newspaper, storybook, paper, comic book, writing, figure, image, matter, device, article or instrument of an obscene nature.
- (4) No person shall knowingly produce, present or direct any obscene performance or participate in the portion thereof which is obscene.
- (5) No person, being the owner of any premises or having control thereof, shall knowingly permit within or upon said premises the

exhibition, projection or showing of any motion picture film, show, presentation or performance of an obscene nature or permit anyone to sell, rent, distribute, exhibit, give away or show any obscene literature, book, magazine, pamphlet, newspaper, storybook, paper, comic book, writing, drawing, photograph, figure or image or any written or printed matter of an obscene nature.

- (6) No person shall knowingly write, print, publish or utter or cause to be printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how or whom or by what means any obscene motion picture film, picture, book, writing, paper, comic book, figure, image, matter, article or thing of an obscene nature can be seen, purchased, obtained or had.

#### B. Minors.

- (1) No person within the Borough of South Greensburg shall display at newsstands or any other business establishment frequented by minors under the age of eighteen (18) years or where said minors are or may be invited as a part of the general public or where they may view the same any material depicting the acts specified in the definition of "patently offensive" in § 117-1, male or female buttocks or genitals or the female breast below a point immediately above the top of the areola.
- (2) Young and prepubescent children.
  - (a) In addition to any other violations or penalties prescribed herein, any person in the Borough of South Greensburg who has in his possession or under his control with intent to sell, rent, distribute, exhibit, show or transmit to another any obscene motion picture film or any obscene literature, book, magazine, pamphlet, newspaper, storybook, paper, comic book, writing or any other written or printed matter containing photographs or photographic images depicting children under the age of seventeen (17) years participating, performing or observing any of the acts prohibited in this section shall be guilty of a summary offense and, upon

conviction thereof, shall be punishable as provided in § 117-4.

- (b) Any obscene literature or film displaying or presenting pictures, photographs or photographic images depicting prepubescent children exhibiting underdeveloped genitalia or breasts shall be a per se violation of the provisions of this section without further proof of age.

### C. Model studios.

- (1) No person shall own, operate or maintain any model studio which, as a regular course of business, is used for the purpose of lewdness, assignation or prostitution, and every such model studio in or upon which acts of lewdness, assignation or prostitution are held or occur is declared to be a public nuisance.
- (2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

#### MODEL STUDIO:

- (a) Any premises on which there is conducted the business of furnishing figure models who pose in the nude for the purpose of being observed or viewed by any person or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee or other consideration or compensation or a gratuity for the right or opportunity so to depict the figure model or for admission to or for permission to remain upon or as a condition for remaining upon the premises; or
- (b) Any premises where there is conducted the business of furnishing or providing or procuring, for a fee or other consideration or compensation or gratuity, figure models who pose in the nude to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.



(c) Exception. the words "model studio" do not include:

- [1] Any studio which is operated by any college or junior college, public school or any governmental agency wherein the person, firm, association, partnership or corporation operating it has met the requirements of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma;
- [2] Any premises where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in the preceding paragraph; or
- [3] Any studio operated by a tax exempt, nonprofit corporation devoted to the development of art and its appreciation.

### **§ 117-3. Enforcement.**

Upon observing or receiving notice of a potential violation of this chapter, the Police Department shall conduct an investigation to determine whether legal action shall be taken. If the Department determines that there is reason to believe that a violation of this chapter has or is continuing to occur, the Department shall continue its investigation in order to provide a court of competent jurisdiction with sufficient facts to establish probable cause that this chapter has been violated and to enable the District Justice to issue the appropriate process. The facts establishing probable cause shall be assembled according to the following procedure.

- A. Obscene articles available for purchase. A police officer shall purchase the allegedly obscene articles, prepare a citation for each article purchased and present the article and the citation to a court of competent jurisdiction, requesting the District Justice to issue the appropriate process.
- B. Obscene films.

- (1) If an allegedly obscene film is not available for purchase, a police officer shall prepare a search warrant for the seizure of the film. After the search warrant has been issued, the officer shall confiscate the film described in the search warrant, prepared a citation and present the film and the citation to a court of competent jurisdiction, requesting the District Justice to issue the appropriate process.
  - (2) If the film seized is the only copy available, the officer shall request the District Justice who issued the search warrant to allow the copying of the film. The original film shall be returned to the owner as soon as possible after review by the court of competent jurisdiction and after it has been copied pursuant to the Judge's authorization.
- C. Obscene live performances. An officer shall observe the allegedly obscene performance, prepare a citation and present the citation to a court of competent jurisdiction, requesting the District Justice to issue the appropriate process.

#### **§ 117-4. Violations and penalties.**

Any person violating any provision of this chapter shall be guilty of a summary offense and, upon conviction thereof, shall be punishable for each offense by a fine of not more than six hundred dollars (\$600.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment for not more than thirty (30) days.

## **CHAPTER 120**

### **PARKS AND RECREATION**

- § 120-1. Definitions.**
- § 120-2. Park hours.**
- § 120-3. Prohibited conduct.**
- § 120-4. Reservation for specific uses.**
- § 120-5. Authorization to promulgate additional rules.**
- § 120-6. Authority to close areas.**
- § 120-7. Enforcement.**
- § 120-8. Violations and penalties.**
- § 120-9. South Greensburg Community Park Commission.**
- § 120-10. Powers and duties of SGCP.**
- §120-11. Membership.**
- § 120-12. Removal.**
- § 120-13. Appointment, term and vacancy.**
- § 120-14. Conduct of business.**
- § 120-15. Administrative and technical assistance.**
- § 120-16. Assistance.**
- § 120-17. Other Commissions and Boards.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 7-15-1996 as Ord. No. 96-6. Amendments noted where applicable.]**

## GENERAL REFERENCES

Animals - See Ch. 53.

Circuses and carnivals - See Ch. 69.

Firearms and weapons - See Ch. 76.

Littering - See Ch. 108.

Peddling and soliciting - See Ch. 122.

### **§ 120-1. Definitions. [Amended 3-8-10 by Ord. No. 2010-03.]**

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

PARK or PARKS - Unless specifically limited, shall be deemed to include all parks, playgrounds, recreation areas, tennis courts, recreation structures and facilities, and also entrances and approaches thereto, and all other land or property or structures under the jurisdiction of the Borough Council, now or hereafter owned or acquired by the Borough of South Greensburg for park or recreational purposes.

PERSON - Any natural person, corporation, organization of persons, company, association or partnership.

RULES AND REGULATIONS - Any rules and regulations hereby or hereafter promulgated by Borough Council under the authority herein conferred.

### **§ 120-2. Park Hours. [Amended 3-8-10 by Ord. No. 2010-03.]**

All parks shall be opened daily to the public at such hours as the Borough Council may from time to time designate, but in no event shall any person be permitted to be in attendance in any park between sunset and sun rise, unless special permission is granted by the Borough Council.

### **§ 120-3. Prohibited conduct. [Amended 3-8-10 by Ord. No. 2010-03.]**

No person in attendance at a park shall:

- A. Injure, deface, remove, cut or damage any of the trees, plants, shrubs, turf, buildings, structures, signs or fixtures or any other property of the Borough of South Greensburg located within the park.
- B. Litter any area of the park with garbage, paper, bottles, cans or other waste material; nor dispose of the same in any way except in receptacles designated for such purpose.
- C. Kindle or maintain any fire in the park except in fireplaces or areas specially designated for that purpose and located by authority of Borough Council.
- D. Remove any bench, seat, table or other appliance without permission of the Borough Council.
- E. Injure, deface, destroy or remove any notice, rule or regulation posted at any place within the park by authority of the Borough Council, nor shall any notice or placard be posted within the park other than by authority of said Borough Council.
- F. Set up any booth, table or stand for the sale of any article or service whatsoever within the limits of the park without permission of the Borough Council; distribute, sell, service or rent any services or commodity or solicit for any purpose without permission of Borough Council.
- G. Operate, stop or park any vehicle, bicycle or other means of conveyance except in areas where permitted or designated by proper authority of the Borough Council, or operate the same in a reckless or negligent manner or in excess of any posted speed limit or in such a manner as to become a nuisance to other area users.
- H. Operated commercial vehicles, unless providing authorized services.
- I. Bringing onto the premises, possess or consume any alcoholic beverage, without the issuance of a Park Alcohol Permit from the Borough, or illegal drugs of any kind; no person shall enter the park in an intoxicated state or otherwise be under the influence of illegal drugs. Council shall, from time to time, set forth by way of Resolution, the fee for the permit for, and any rules or regulations

regarding, the responsible possession and consumption of alcoholic beverages.

- J. Carry or discharge any firearms, slingshots, firecrackers, fireworks or other missile-propelling instruments or explosives or arrows or other dangerous weapons which have such properties as to cause annoyance or injury to any person or property, unless permission has been granted by the Borough Council in designated areas; police officers in the performance of their duties will be exempt from these provisions.
- K. Play ball, swim, golf, pitch horseshoes, engage in archery, camp, engage in finding buried objects with special detectors or participate in any other form of recreation, sporting endeavor or pastime, except in those areas which may be designated from time to time for that purpose by the Borough Council.
- L. Disrobe or change clothing except in buildings or facilities made available for that purpose.
- M. Disturb the peace by any conduct so as to annoy any other person using the park for recreational purposes.
- N. Operate a snowmobile, minibike, motorcycle or any vehicle, recreational or otherwise, except on designated roads, trails or other areas set aside for their use.
- O. Use threatening, abusive, insulting, profane or obscene language or words.
- P. Commit any disorderly or immoral acts.
- Q. Hold any public meeting or rally with more than five (5) persons or engage in any marching or driving as members of a military, political or other organization without permission of the Borough Council, which requires a statement of information, including the name of the organization, its purpose, number of persons expected to be invited, expected duration and name(s) of person(s) in charge.
- R. Disobey a proper order of a police officer or Recreation Board member, or disobey or disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction given by an authorized person and posted or displayed by sign, notice, bulletin,

card, poster, or when notified or informed as to its existence by the Borough Council or an authorized person.

- S. Hunt for, capture or kill or attempt to capture or kill or aid or assist in the capturing or killing of, in any manner, any wild bird or wild animal of any description, either game or otherwise, and, to that end, it is unlawful for any person to carry onto or possess in any park, a shotgun or rifle or pistol or firearm of any make or kind unless specific permission is granted for a designated area by authority of the Borough Council.
- T. Allow pets to run at-large out of control. Further, no person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of South Greensburg or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park or upon the grounds of any public park or public area or upon any private property other than the property of the owner of such animal. Further, no person having possession, custody or control of any dog or other animal, shall permit any dog or other animal to be present on any Borough recreational area, including playgrounds and parks, except that dogs or other animals within the possession, custody or control of any person shall, subject to the provisions as above provided, be permitted to be present within the park located on Huff Avenue, South Greensburg, Pennsylvania, and known as "South Greensburg Community Park."

**§ 120-4. Reservation for specific use. [Amended 3-8-10 by Ord. No. 2010-03.]**

The use of all parks shall be on a first-come, first-served basis unless otherwise reserved:

- A. By annual permission granted by the Borough Council for the scheduling of various league games, etc.

- B. For school athletic games, practices, contests or exhibitions.
- C. For regularly scheduled school district or municipal recreation programs.
- D. By permission granted by the Borough Council for a specific requested use.

**§ 120-5. Authorization to promulgate additional rules. [Amended 3-8-10 by Ord. No. 2010-03.]**

The Recreation Board is authorized to establish additional rules and regulations as deemed necessary and with approval of the Council for the Borough of South Greensburg.

**§ 120-6. Authority to close areas. [Amended 3-8-10 by Ord. No. 2010-03.]**

Recreation facilities which become hazardous for public use due to weather, water, fire or unforeseeable conditions may be closed only at the discretion of the Council for the Borough of South Greensburg.

**§ 120-7. Enforcement. [Amended 10-13-10 by Ord. No. 2010-03.]**

The police officers of the Borough of South Greensburg are charged with enforcement of the provisions of this Ordinance<sup>3</sup> and of the rules and regulations promulgated by the Borough Council.

**§ 120-8 Violations and penalties. [Amended 9-15-14 by Ord. No. 2014-07.]**

- A. With the exception noted below in § 120-8. B., 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 six hundred (\$600.) dollars, and, in default of payment, to imprisonment for a term not to exceed thirty (30) days.



- B. Any person, firm or corporation who shall violate § 120-3.A. of this chapter by injuring, defacing, removing, cutting or damaging any tree located within any park of the Borough of South Greensburg, unless specifically authorized by the Borough of South Greensburg to do so, shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600) dollars, and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. If the violation results in the cutting of or irreparable damage to any tree, then the person, firm or corporation also shall be required to pay to the Borough the full value of any such tree.

**§ 120-9. South Greensburg Community Park Commission. [Amended 10-13-14 by Ord. No. 2014-08.]**

The Mayor and Council shall appoint a South Greensburg Park Commission ("SGCPC") of five (5) members. The SGCPC shall carry out the functions described in this chapter under the procedures established for the operation of the SGCPC.

**§ 120-10. Powers and duties of SGCPC. [Amended 10-13-14 by Ord. No. 2014-08.]**

The SGCPC, at the request of Council, shall have the power and shall be required to:

- A. Prepare plans for the conservation, maintenance and development of the South Greensburg Community Park and present them for consideration by the Borough Council.
- B. Maintain and keep on file records of its actions. All records and files of the SGCPC shall be the property of and in the possession of Council.
- C. Prepare and present to Council recommendations on proposed amendments to ordinances relating to the South Greensburg Community Park.
- D. Make recommendations to the Council for capital improvement programming.

- E. Promote public interest in, and understanding of, the South Greensburg Community Park.
- F. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of their proposals relating to enhancement of the South Greensburg Community Park.
- G. Review the designated Parks Map, provisions for planned park development and such other regulations governing the development of the South Greensburg Community Park, and make recommendations to the Council.
- H. Perform such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this chapter pertaining to the South Greensburg Community Park.

**§ 120-11. Membership. [Amended 10-13-14 by Ord. No. 2014-08.]**

All of the members of the SGPCPC shall be residents of the Borough.

**§ 120-12. Removal. [Amended 10-13-14 by Ord. No. 2014-08.]**

Any member of the SGPCPC once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance or for other just cause by a majority vote of the governing body taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**§ 120-13. Appointment, term and vacancy. [Amended 10-13-14 by Ord. No. 2014-08.]**

- A. All members of the SGPCPC shall be appointed by the Council. The membership shall consist of at least one (1) but not more than two (2) Council members. At least three (3) but not more than four (4) members shall be citizens not employed by or otherwise serving as officers of the Borough.

- B. The term of each of the members of the SGCPD shall be for three (3) years, or until a successor is appointed and qualified.
- C. The Chairperson of the SGCPD shall promptly notify Council concerning any membership vacancy, and such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this chapter. The SGCPD shall, in the case of any vacancy, nominate a replacement subject to approval by Council.

**§ 120-14. Conduct of business. [Amended 10-13-14 by Ord. No. 2014-08.]**

The SGCPD shall elect its own Chairperson and Co-Chairperson and create and fill such other offices as it may determine. The SGCPD may make and amend bylaws and rules and regulations to govern its procedures consistent with the ordinances of the Borough and the laws of the Commonwealth. The SGCPD shall appoint a Secretary who will record meeting minutes and promptly provide them to Council.

**§ 120-15. Administrative and technical assistance. [Amended 10-13-14 by Ord. No. 2014-08.]**

The SGCPD, under express authority of and approval by Council, may engage administrative and technical services provided by consultants or Borough employees to aid in carrying out its duties.

**§ 120-16. Assistance. [Amended 10-13-14 by Ord. No. 2014-08.]**

The SGCPD may, with the express authorization and approval of Council, accept and utilize any funds, personnel or other assistance made available by Westmoreland County, the Commonwealth or the federal government or from private sources to carry out its duties.

**§ 120-17. Other Commissions and Boards. [Amended 10-13-14 by Ord. No. 2014-08.]**

Nothing in this chapter shall supersede the authority of the Recreation Board, the Shade Tree Commission or any other Commission or Board of the Borough of South Greensburg.

## **Chapter 122**

### **PEDDLING AND SOLICITING**

#### **ARTICLE I Peddling**

- § 122-1. Definitions.**
- § 122-2. License required.**
- § 122-3. Procedure.**
- § 122-4. Fees.**
- § 122-5. Issuance of license; display; effect.**
- § 122-6. Noise restriction.**
- § 122-7. Parking restriction.**
- § 122-8. Location restriction.**
- § 122-9. Permitted hours.**
- § 122-10. Record of licenses.**
- § 122-11. Suspension of license.**
- § 122-12. Violations and penalties.**

#### **ARTICLE II Soliciting and Canvassing**

- § 122-13. Permit required.**
- § 122-14. Application for permit.**
- § 122-15. Duration of permit; renewal.**
- § 122-16. Limitations.**
- § 122-17. Fees.**

- § 122-18. Hours.
- § 122-19. Exhibition of permit.
- § 122-20. Enforcement.
- § 122-21. Expiration of permits.
- § 122-22. Violations and penalties.

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Art. I, 10-8-1979 as a portion of Ch. 3 of the Code of Ordinances; Art. II, at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Sections 122-1, 122-4B and C, 122-5 and 122-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

## **ARTICLE I**

### **Peddling**

**[Adopted 10-8-1979 as a portion of Ch. 3 of the Code of Ordinances]**

#### **§ 122-1. Definitions.**

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

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

**PEDDLING** — Engaging in peddling or taking of orders, either by sample or otherwise, for any goods, wares or merchandise upon any of the streets or sidewalks or from house to house within the Borough of South Greensburg, provided that the word "peddling" shall not apply to farmers selling their own produce; to the sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic

purpose; or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk or milk products.<sup>1</sup>

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

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

### **§ 122-2. License required.**

No person shall engage in peddling in the Borough of South Greensburg without first having taken out a license as herein provided.

### **§ 122-3. Procedure. [Amended 7-13-1981 by Ord. No. 81-12]**

Every person desiring to engage in peddling in the Borough of South Greensburg shall first make application to the Mayor for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give his name, his address, his previous criminal record, if any, the name of the person for whom he works, if any, the type of goods, wares and merchandise he wishes to peddle, the length of time for which he wishes to be licensed, the type of vehicle he uses, if any, and the number of helpers he has, provided that where a person makes application for himself and one (1) or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper; provided further, that in order to afford proper officials of the Borough of South Greensburg time to make reasonable investigation of the application as submitted, no license shall be issued until two (2) days have elapsed from the date said application is filed. No license issued under this Article shall be transferable from one person to another.

### **§ 122-4. Fees. [Amended 7-13-1981 by Ord. No. 81-12; 2-13-1984 by Ord. No. 84-6; 8-10-1992 by Ord. No. 92-6; 9-11-1995 by Ord. No. 95-5]**

No license shall be issued under this Article until the proper fee, as designated by Council pursuant to §1-16 herein, is be paid to the Borough.

- A. Foot peddler: twenty dollars (\$20.) per day or fraction thereof.
- B. Peddler operating from a horse-drawn or motor vehicle: twenty dollars (\$20.) per day or fraction thereof.
- C. Each and every additional peddler employed by or with a foot peddler or peddler operating from a horse-drawn or motor vehicle: twenty dollars (\$20.) per day or fraction thereof.
- D. Notwithstanding the foregoing, no license fees shall be due from a qualified nonprofit organization engaged in peddling with the borough.

**§ 122-5. Issuance of license; display; effect. [Amended 8-10-1992  
by Ord. No. 92-6]**

Upon making application therefor and paying the proper fee as herein specified, a license shall be issued to every peddler. Such license shall contain the information required to be given upon the application therefor. Every peddler shall at all times when engaged in peddling in the borough carry such license upon his person and shall exhibit such license, upon request, to all police officers, borough officials and citizens. No peddler shall engage in selling any product not mentioned upon such license nor shall any person having a foot peddler's license operate from or with any motor vehicle.

**§ 122-6. Noise restriction.**

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



### **§ 122-7. Parking restriction.**

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

### **§ 122-8. Location restriction.**

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

### **§ 122-9. Permitted hours. [Added 2-17-1984 by Ord. No. 84-6]**

No person licensed as a peddler under this Article shall engage in peddling in the Borough of South Greensburg before 9:00 a.m. or after 5:00 p.m. of each day in which said person is peddling under this Article.

### **§ 122-10. Record of licenses.**

The Mayor shall keep a record of all licenses issued under this Article, and the Chief of Police shall apply daily to the Mayor for a list of all licenses issued hereunder since the previous day. The Mayor and the Chief of Police shall supervise the activities of all holders of such licenses.

### **§ 122-11. Suspension of license.**

The Mayor of the Borough of South Greensburg is hereby authorized to suspend any license issued under this Article when he deems such suspension to be beneficial to the public health, safety or morals or for violation of any of the provisions of this Article or for giving false information upon any application for license hereunder.

**§ 122-12. Violations and penalties. [Amended 8-10-1992 by Ord. No. 92-6]**

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

**ARTICLE II**  
**Soliciting and Canvassing**  
**[Adopted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.]**

**§ 122-13. Permit required.**

It shall be unlawful for any person to canvass or to solicit contributions or funds from the general public within the borough for any religious, charitable, patriotic, political, philanthropic, public interest or community service purpose without first applying for and obtaining a solicitation permit.

**§ 122-14. Application for permit.**

At least thirty (30) days before the date of requested solicitation, applicants for a solicitation permit under this Article must file with the borough an application, in writing, on a form or forms to be furnished by the borough, which shall give the following information:

- A. The name of the person, organization or institution and its aim and purpose.
- B. Local and national address and phone numbers.
- C. Names and residence addresses of each officer, together with a complete list of names and residence addresses of any board of managers or directors.
- D. Dates of intended solicitation.
- E. Names of persons authorized to solicit, their residence addresses, phone numbers, social security numbers, driver's license numbers and state automobile registration information and a photograph.

### **§ 122-15. Duration of permit; renewal.**

A solicitation permit issued by the Mayor shall be valid for the period of intended solicitation as specified in the applicant's application, but in no event for more than one (1) year, but may be renewed from year to year, if applicable, upon filing a new application, paying any applicable fee and furnishing the information required in § 122-14 on an annual basis.

### **§ 122-16. Limitations.**

- A. Any resident of the borough may display a sign or sticker reading NO SOLICITING, and it shall be unlawful for any person to solicit contributions or funds as specified in this chapter at any home or residence where a NO SOLICITING sign or sticker is displayed.
- B. All persons seeking to solicit contributions or funds pursuant to this Article shall be required to sign a statement on a form furnished by the borough indicating that they understand and agree to comply with the requirements of this section.
- C. Any person violating the provisions of this section shall be subject to arrest and prosecution pursuant to the criminal statutes of the Commonwealth of Pennsylvania.

### **§ 122-17. Fees. [Amended 9-11-1995 by Ord. No. 95-5]**

Every applicant for a solicitation permit under § 112-14 of this Article shall pay a fee as designated by Council pursuant to §1-16 herein.

### **§ 122-18. Hours.**

Hours of solicitation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Saturday.

### **§ 122-19. Exhibition of permit.**

Solicitors are required to exhibit their permit at the request of any citizen or police officer.

### **§ 122-20. Enforcement.**

It shall be the duty of any police officer of the borough to require any person seen soliciting and who is not known by such officer to be duly licensed to produce his solicitor's permit and to enforce the provisions of this Article against any person found to be violating the same.

### **§ 122-21. Expiration of permits.**

All annual licenses issued under the provisions of this Article shall expire on the 31st day of December in the year when issued. Other than annual licenses shall expire on the date specified in the license.

### **§ 122-22. Violations and penalties.**

Any person violating any of the provisions of this Article shall, upon conviction thereof, be punished for each offense by a fine not to exceed six hundred dollars (\$600.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment for not more than thirty (30) days.

## **Chapter 125**

### **Article I General Provisions**

- § 125-1      General Property Maintenance**
- § 125-2.      Findings and Declaration of Policy.**
- § 125-3.      Purpose.**
- § 125-4.      Authority.**
- § 125-5.      Definitions.**
- § 125-6.      Applicability.**
- § 125-7.      Effect on Violations of Prior Provisions.**
- § 125-8.      Powers and Duties of Code Official.**
- § 125-9.      Maintenance of buildings and structures.**
- § 125-10.     Maintenance of sidewalks.**
- § 125-10.5.1 Inspection of sidewalks for sale or transfer of property;  
                 Issuance of Compliance Certificate**
- § 125-11.     Storage of Construction Materials.**
- § 125-12.     Yards; Open lots; Minor structures.**
- § 125-13.     Waterways.**
- § 125-14.     Refuse, debris, litter and rubbish.**
- § 125-15.     Rodent infestation.**
- § 125-16.     Miscellaneous provisions.**
- § 125-17.     Responsibilities of owners and occupants.**
- § 125-18.     Owners severally responsible.**
- § 125-19.     Transfer of ownership.**

- § 125-20.     **Official Action.**
- § 125-21.     **Right of entry.**
- § 125-22.     **Emergency measures.**
- § 125-23.     **Notice of violation; Municipal correction.**
- § 125-24.     **Violations and penalties.**
- § 125-25.     **Severability.**

## **Article II**

### **Quality of Life Regulations**

#### **125-26. Purpose**

The lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/nonregistered vehicles, vendor operations without permits and accumulation of snow and ice are costly problems that negatively impact the public health, safety, and general welfare of the Borough residents and their guests, and contribute to the deterioration of property values and general disorder in the Borough. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of South Greensburg are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Article is to promote the health, safety and general welfare

of the Borough by helping to create a clean environment for the citizens of South Greensburg.

### **§ 125-27. Scope.**

The provisions of this Article shall apply to all existing and future properties and structures.

### **§ 125-28. Definitions.**

The following words, terms and phrases when used in this Article shall be defined as follows, unless context clearly indicates otherwise:

#### **ADULT**

Any person 18 years of age or older.

#### **DEBRIS**

Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

#### **DUMPING**

Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste,

hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized.

## **DWELLING UNIT**

One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy.

## **GARBAGE**

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

## **INDOOR FURNITURE**

Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

## **LANDLORD**

Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise.

## **LITTER**

Includes, but is not limited to, all waste material, garbage, trash, i.e., waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture appliances, or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material,



recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

### **MOTOR VEHICLE**

Includes any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

### **OCCUPANT**

Any person who lives in or has possession of, or holds an occupancy interest in a dwelling unit; or any person residing in or frequenting the premises of the dwelling unit with the actual or implied permission of the owner or lessee.

### **PUBLIC NUISANCE**

Any condition or premises which is unsafe or unsanitary.

### **PUBLIC OFFICER**

Any police officer, authorized inspector, or public official designated by the Mayor and/or Borough Council to enforce the Borough ordinances.

### **RIGHT-OF-WAY**

The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

## **RECYCLABLE MATERIAL**

Includes material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, and paper.

## **TENANT**

That person (or persons) who has the use of real estate of a landlord and is responsible for the giving of any type of consideration therefore, but excluding those who are tenants for a period of less than 30 days.

## **WASTE**

Any garbage, refuse, industrial, lunchroom or office waste, and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source-separated recyclable materials.

## **§ 125-29. Quality of life violations.**

The following shall be considered quality of life violations:

**A. Accumulation of rubbish, garbage, junk or litter.**

(1) All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of waste, trash, rubbish, debris or garbage.

(2) It is prohibited to store or place any/all appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TVs, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purposes of keeping the item on the exterior of the property for a period of less than twenty-four (24) hours for the purpose of maintaining the item or removing the item from the real property.

(3) Refrigerators and similar equipment, including, but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

**B. Storing of hazardous material.** It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish, including, but not limited to, wastepaper, boxes or rags unless the storage of said materials is in compliance with the applicable fire and/or building codes, and at least 10 feet away from the public right-of-way.

**C. Storing of recyclables.** Storage of recyclables is only permitted in approved containers which must be kept clean and sanitary at all times.

**D. Storage containers for waste or trash.**

(1) All containers that store waste or trash shall be in compliance with Borough of South Greensburg Code §90-10 and §90-11.

(2) All containers must be stored so said containers are not visible from the public right-of-way.

(3) Waste/trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled pickup day, and all containers must be returned to their storage area before daybreak on the day following pickup.

**E. Littering, scattering rubbish or dumping.**

(1) No person shall throw, dump, place, sweep or dispose of any litter, waste, trash, garbage, tobacco product or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area, right of way or on any public property.

(2) The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited.

(3) Any violation Borough of South Greensburg Code Chapter 108 shall be considered a violation of this part and may also be enforced and ticketed as such.

**F. Motor vehicles.**

(1) It shall be prohibited to keep a nuisance vehicle as defined in Borough of South Greensburg Code §156-1.

(2) It shall be prohibited to maintain a “motor vehicle nuisance” as defined in Borough of South Greensburg Code §156-7(B), which is not otherwise permitted under Code §156-8.

(3) Any violation Borough of South Greensburg Code Chapter 156 shall be considered a violation of this part and may also be enforced and ticketed as such.

**G. Placement or littering by private advertising matter.**

(1) No person shall throw, place, sweep or dispose of lifter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area, right of way or any public property.

(2) No person, group, organization or entity will hang, place or advertise on any public property in any manner.

(3) No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to without written approval of said owner.

**H.** Animal maintenance and waste/feces cleanup. Violations of Chapter 53 of the South Greensburg Code shall be considered a violation of this part and may also be enforced and ticketed as such.

**I.** Insects or vermin. Infestation of insects or vermin shall not be allowed to continue, and the owner or occupant of any infested property shall report same to the Police Department of the Borough and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.

**J.** High weeds, grass, plant growth or standing water. All premises and exterior property shall be maintained free from weeds, or plant growth in excess of six inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin. All such plant growth shall otherwise be in compliance with Borough of South Greensburg Code § 57-4 and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such.

**K. Snow and ice removal from sidewalks.** Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough, is required to remove any snow or ice from their sidewalk pursuant to Borough of South Greensburg Code Chapter 141 and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such.

**L. Swimming pools.**

(1) Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, sanitary, and covered when not in regular use.

(2) All pools shall be in compliance with Borough of South Greensburg Code Chapter 163 Sections 30(G) & (H) and any violation thereof shall be considered a violation of this part and may also be enforced and ticketed as such.

**M. Registration of tenants.** It shall be unlawful for a landlord to allow adult tenants or occupants to reside within the Borough of South Greensburg without registering them with the Borough Tax Collector, pursuant to §149-30.1. Any violation of §149-30.1 shall be considered a violation of this part and may also be enforced and ticketed as such.

**N. Permits and approvals.**

(1) It shall be unlawful for an owner or contractor to perform work to a building or structure without a permit, where permits are required.

**(2) Illegal signs/billboards.** No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the Borough of South Greensburg.

**O. Property maintenance. Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound, in good repair, and in compliance with the Borough's Property Maintenance Code. Any violation of the Borough's Property Maintenance Code, Article I of this Chapter, shall be considered a violation of this part and may also be enforced and ticketed as such.

**P. Water Diversion.**

**(1)** No person shall cause water collected in a gutter or gutter system to be deposited onto the public right of way.

**(2)** No person shall cause a pump, whether a sump pump or otherwise, to deposit water onto the public rights of way.

**(3)** No person shall cause for ground water, storm water, waste water or any other source of water to be deposited onto the public rights of way.

**O. Sidewalks.** All sidewalks shall be in good repair and free of defect and/or hazard, and otherwise shall be in compliance with Borough of South Greensburg Code §144-1.



**§ 125-30. Authority for issuance of violation tickets and citations.**

Upon finding a quality of life violation, any public officer of the Borough of South Greensburg, appointed by the Mayor and/or Borough Council of the Borough of South Greensburg, may issue quality of life violation tickets and/or citations to the owner and/or occupant of the property at issue or to the individual known to have violated this Article.

**§ 125-30. Service.**

A violation ticket may be served upon a violator by handing it to the violator or his/her agent, by handing it to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket conspicuously to the property where the violation exists, by handing it at any office or usual place of business of the violator, or to the person for the time being in charge thereof, or by mailing the violation ticket to the violator's address of record.

**§ 125-31. Separate offense.**

Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate violation ticket may be issued and fine imposed.

**§ 125-32. Regulations.**

Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this Article.

**§ 125-33. Abatement of violation.**

**A.** Any person or business violating this Article is hereby directed to, upon issuance of a quality of life ticket, correct the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.

**B.** The Borough of South Greensburg reserves the right to abate the violation in question at the expense of the owner if the violation is not abated by the property owner within five (5) business days. Should the violation at the discretion of the appropriate officer(s) present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of \$60 per hour, per man. The Borough reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment. If the Borough has abated the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket which will also be paid separately.

**C.** Contractor cleanup. The Borough reserves the right to direct a contractor to perform the abatement of the violation once five (5) business days pass from the date of issuance of the quality of life

ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for his work to the Borough of South Greensburg, and the Borough will forward these costs to the violator. The Borough reserves the right to add a processing fee of \$10.00 in addition to the cost of the contractor.

**§ 125-34. Fines and penalties.**

Any person who violates this Article shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.

**A. Violation ticket fines.** For a violation of this Article, violation tickets shall be issued in the amount of \$25.

**B. Violation ticket penalties.** If the person in receipt of a violation ticket of \$25 does not pay the fine or request a hearing within fifteen (15) days, the person will be subject to a penalty of \$10.00.

**C. Failure to respond.** If a person fails to make payment or request a hearing within thirty (30) days of a violation ticket, they shall be subject to a citation for failure to pay.

**D. Repeated violations.** Upon issuance of four tickets for the same violation, right is reserved for a Public Officer to issue a citation for fifth and subsequent offenses.

**E. Citation fines.** Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than \$300, not more than \$1,000 on each offense or imprisoned no more than 90 days, or both.

### **§ 125-35. Appeal.**

**A.** A person in receipt of a violation ticket may appeal to the Borough Council by filing an appeal request in writing, on a form to be provided, within fifteen (15) calendar days of the date of the violation ticket, stating the reasons for appeal, and accompanied by the appropriate fine amount.

**B.** If abatement or other costs were associated with the violation, these will be posted, along with the appeal.

**C.** The appeal will be addressed by Borough Council at the next scheduled public meeting following the filing of the appeal. The violator may address the Borough Council at this public meeting prior to the Borough Council voting on the appeal. By majority vote of the Borough Council, the appeal may be upheld, denied, or the violation ticket and/or any associated costs, fines or penalty amounts modified. Borough Council will issue written notice of the decision, along with any refunds applicable.

### **§ 125-36. Collections and Liens.**

At the discretion of the Borough, all tickets and costs of abatement for which payment is not received within forty-five (45) days of

issuance may be turned over by the Borough to a collection's agency for receipt. The Borough may place liens on properties wherein a nuisance was removed and abated, pursuant to 53 P.S. §7101, *et seq.*

**§ 125-38. Nonexclusive remedies.**

The penalty and collection provisions of this Article shall be independent, not mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Article. The remedies and procedures provided in this Article for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough of South Greensburg Code or ordinances, whether or not such other code or ordinance is referenced in this Article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Article.

**§ 126-39. Severability.**

Should any section or provision of this Article be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Article as a whole or any part thereof, other than the part so declared to be invalid.

**§ 125-40. Effective date.**

This Article shall become effective immediately upon approval.

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 11-14-1988 as Ord. No. 88-13. Section 125-14 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable. Amended Sections 125-1 through 125-25 on 3-15-2011 by Ord. No. 2011-05. Amended Section 125-5, 125-10, 125-10.5.1 on 3-10-2014 by Ord. No. 2014-03.]**

#### **GENERAL REFERENCES**

**Brush, grass and weeds — See Ch. 57.**

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

**Garbage, rubbish and refuse — See Ch. 90.**

**Littering — See Ch. 108.**

### **§ 125-1. General Property Maintenance**

### **§ 125-2. Findings and Declaration of Policy.**

It is hereby found and declared that there exist in the Borough of South Greensburg buildings and structures used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and further, that such conditions including, but not limited to, structural deterioration, inadequate maintenance, infestation, inadequate provisions for light and air, and unsanitary conditions, constitute a danger to the public health, safety and welfare. It further is found and declared that the existence of such conditions has the effect of creating blight and substandard neighborhoods, and that by the enactment of timely regulations and restrictions as herein contained, the development of blight may be prevented and neighborhood and property values maintained, and the public health, safety and welfare protected and fostered.

### **§ 125-3. 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 minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential buildings and structures; to

establish minimum standards essential to make the buildings and structures, regardless of use, fit for human habitation and occupancy, and safe from fire; to supplement existing regulations; to provide for rehabilitation and reuse of existing structures and allowing differences between the application of requirements to new construction and the application of requirements to alterations and repairs; to fix the responsibilities of owners and occupants of all structures; and to provide for administration, enforcement and penalties. This ordinance is hereby declared to be remedial and essential for the public health, safety and welfare, and it is intended that these regulations be liberally construed to effectuate the purposes as stated herein. Recognizing the need within the Borough of South Greensburg to establish certain minimum health and safety requirements for those buildings, structures or properties which are used or associated with human occupancy, this Chapter hereby establishes standards which the Borough considers to be fair and effective in meeting those minimum requirements.

#### **§ 125-4. Authority.**

This Chapter and the objectives leading to its enactment are authorized by the provisions of the Borough Code of the Commonwealth of Pennsylvania, 53 P.S. § 45101, et seq.

#### **§ 125-5. Definitions.**

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

**BUILDING** — A roofed structure enclosed by one (1) or more walls for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

**COURT** — An open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

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

**INFESTATION** — The presence of insects, rodents, vermin and/or other pests.

LOT — Plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER — Any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who or which retains the exclusive control of such a lot and/or improvements thereto in the capacity as a legal representative, such as an administrator, trustee, executor, etc.

PROPERTY -- Any real property that is within the corporate limits of the Borough of South Greensburg and abutting sidewalks and curbing.

REFUSE — All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

SALE (SELL) OR TRANSFER -- To convey any interest in any Property except by lease, mortgage, gift, divorce, devise, bequest, establishment of a family trust, governmental conveyance or lien foreclosure. The sale or transfer shall be deemed to occur upon the transfer of title or the execution of a land contract, or other conveying instrument not specifically excluded herein.

UNOCCUPIED HAZARD — Any building or part thereof or manmade structure which remains unoccupied for a period of more than three (3) months, with either doors, windows or other openings broken, removed or boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than three (3) months. Extensions may be granted upon written request to Borough Council, subject to review and approval by Borough Council.

YARD — Any open space on the same lot with a building and for the most part unobstructed from the ground up.

## **§ 125-6. Applicability.**

The provisions of this chapter shall supplement local laws, ordinances or regulations existing in the Borough of South Greensburg or those of the Commonwealth of Pennsylvania. Where a provision of this Chapter is found



to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provision which is more restrictive or which establishes the higher standard shall prevail.

#### **§ 125-7. Effect on violations of prior provisions.**

This Chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

#### **§ 125-8. Powers and duties of Code Official.**

- A. General. The Borough of South Greensburg shall name a Code Official. The Code Official or the official's delegate or representative shall enforce the provisions of this Code.
- B. Notices and Orders. The Code Official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this Chapter's requirements for the safety, health and general welfare of the public.
- C. Inspections. In order to safeguard the safety, health and welfare of the public, the Code Official is authorized to enter any structure or premises in the Borough of South Greensburg at any reasonable time for the purpose of making inspections or performing duties under this Chapter.

#### **§ 125-9. Maintenance of buildings and structures.**

- A. No owner of any building or structure shall fail to take steps and perform such maintenance thereto as may be required from time to time to ensure that the property is safe, sound, sanitary and secure, and does not present a health and/or safety hazard to the occupants, surrounding properties and to the general populace.

- B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that it is securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard or threat thereof is precipitated due to a lack of maintenance or due to neglect.
- C. Any owner of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Borough of South Greensburg, remove or cause the removal of the building and/or structure.
- D. Occupants shall keep that part of the structure in which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- E. All structural members of any buildings or structures shall be maintained structurally sound and be capable of supporting the imposed loads. Foundation walls, piers, retaining walls, columns or similar load-bearing components shall be kept structurally sound, plumb, free from defects and damage, and capable of bearing imposed load safely.
- F. All interior surfaces, including windows, and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other similar defective conditions shall be corrected.
- G. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- H. The exterior of all premises, buildings and all structures shall be kept free of any hazards to the safety of owners, occupants, invitees, visitors, pedestrians and other persons utilizing the premises, and any such hazards shall be promptly removed and abated. Such hazards and conditions include, but are not limited to, the following:

1. Debris, refuse, litter and junk;
  2. Loose and overhanging objects including, without limitation, dead and dying trees and/or tree branches, accumulations of snow or ice, or other similar conditions which by reason of their location above ground level, constitute a hazard to persons in the vicinity thereof;
  3. Ground surface hazards including, without limitation, holes, excavations, breaks, projections and obstructions which constitute a hazard to persons using the premises, except during active construction if cordoned off in a visually obvious manner, as permitted by the Borough of South Greensburg.
- I. All buildings and structures shall be kept secure against unauthorized access.
  - J. The windows of non-residential buildings and structures in which a business is not presently being operated, shall be screened by drapes, blinds or other similar means so as to screen the interior from public view. All such screening materials shall be maintained in a clean and attractive manner and in a state of good repair.
  - K. Exterior facilities including, without limitation, exterior porches, landings, balconies, stairs and fire escapes, shall be kept structurally sound and in good repair and shall be provided with banisters or railings properly designed and maintained. Exterior walls, retaining walls, sidings and roofs shall be kept structurally sound, plumb, in good repair and free from defects. Chipped, decayed or broken sidings must be remediated.
  - L. All exposed surfaces susceptible to decay shall be kept, at all times, painted or otherwise provided with a protective coating sufficient to prevent deterioration which shall be unbroken and not cracked, chipped or peeling.
  - M. Every building and structure shall be maintained so as to ensure weather and water-tightness. Exterior walls, retaining walls, roofs, windows, window frames, doors, door frames, foundations and other portions of the structure shall be so maintained as to prevent water from entering the building and structure under normal conditions and to prevent excessive drafts. Damaged materials must

be repaired or replaced promptly; places showing signs of cracking, chipping, peeling, rot, leakage, deterioration or corrosion are to be restored and protected against weathering.

- N. Unless otherwise specified in any building or demolition application or permit, refuse or debris resulting from construction activities or the demolishing of a building, shall be removed within seven (7) days after the completion of the construction or demolition activities or demolition work, or seven (7) days after the permit for such activity or work has expired, been cancelled, revoked or suspended, whichever is soonest.
- O. To help fulfill the purpose of this Chapter, and to facilitate enforcement, buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street, or road or alley fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals of alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7 mm). All address numbers shall be continuously maintained by the owner and/or occupant of the property to conform with the provisions of this Chapter. Address numbers shall not be permitted to be placed where they will be hidden at any time by any obstructions, including screen or storm doors, grass, shrubber and/or trees.

#### **§ 125-10. Maintenance of sidewalks.**

- A. The owner or owners of any lot or lots in the Borough of South Greensburg with sidewalks in the public right of way shall maintain such sidewalks in a safe and passable condition, free of tripping hazards and obstructions, in winter months, snow and ice are to be removed from sidewalks. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians.
- B. The obligation of maintenance shall include but not be limited to:
  - 1. Repair of holes, and repair of cracks having a width in excess of  $\frac{1}{2}$  inch at any one point along a length of one foot or greater.

2. To maintain a constant grade, repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than 1/2 inch in depth.
  3. Repair of any section of sidewalk that has spalling on twenty-five percent (25%) or more of its surface.
  4. The removal of snow, ice, leaves, tree limbs, grass clippings, grass and weeds between cracks, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below six (6) feet above the sidewalk. The owner shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner, the owner's tenants, anyone acting under the owner's direction, control, license, or any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal of such items onto Borough streets is prohibited.
  5. The obligation to remove snow and ice shall be to do so within twenty-four (24) hours after each fall of snow or sleet, or within twenty-four (24) hours after ice has formed on any sidewalk. The sidewalk shall be cleared to the width of the sidewalk. All snow, ice and/or sleet removed shall not be deposited into the street.
  6. Repair of any other obstruction or defect which may create a pedestrian safety hazard.
- C. *Sidewalks necessary.* On any Property where concrete or other sidewalks exist, such sidewalks are a public necessity and shall not be removed without corresponding repair or replacement, to be completed within ten (10) days of removal or destruction and shall be accomplished in accordance with Chapter 144, Streets and Sidewalks.
- D. *Aprons required.* Where a sidewalk has been removed, destroyed or never existed, and where motorized vehicles access Property from a

public street through a Borough right-of-way for purposes of off-street parking, a concrete or otherwise durable apron capable of supporting automobiles and trucks shall be constructed at the sole expense of the Property owner.

**§ 125-10.5.1. Inspection of sidewalks for sale or transfer of property; Issuance of Compliance Certificate.**

- A. *Sale or Transfer of Property - Compliance Certificate.* Before the sale or transfer of any Property, the Property owner must obtain a Compliance Certificate which certifies that any sidewalks and/or aprons on the Property for sale or transfer conform to the requirements set forth in this Ordinance, as applicable.
- B. *Violation.* It shall be unlawful to sell or transfer Property unless a valid Compliance Certificate is tendered to the purchaser or transferee at the time of the sale or transfer, or if the proceeds of the sale are needed for repair of the sidewalk or apron, within seven (7) days after the finalization or closing of the sale as set forth in § 125-10.5(D)(6).
- C. *Exemptions.* The provisions of this section shall not apply to:
  - 1. A sale or transfer which has occurred prior to the effective date of this section.
  - 2. A sale or transfer where the seller or transferor and the purchaser or transferee have signed a purchase agreement prior to the effective date of this section.
  - 3. Properties where no improvements, and therefore no sidewalks or aprons, are present.
- D. *Issuance of Compliance Certificate and Inspection Fees.*
  - 1. *Permit.* Property owner shall submit a Compliance Certificate Application to the Borough office within ninety (90) days prior to the sale or transfer of the Property. The Compliance Certificate Application may be submitted within ninety (90) days prior to the sale or transfer of the Property only to the extent that the underlying agreement to sale or transfer the property is

not entered into prior to the ninety (90) day period, in which case said Application shall be submitted upon execution of the underlying agreement.

2. *Fees.* An inspection fee shall be charged for each Property inspection and said fee must accompany the application form when submitted in accordance with the Borough Fee Schedule.
3. *Inspection.* An inspection of the property by the Code Official or other designated Borough representative shall be conducted within ten (10) business days of the submission of the application for a Compliance Certificate.
4. *Issuance.* Otherwise, the Property owner will receive a *Notice to Repair*, giving the Property owner notice to repair the noted deficiency or deficiencies prior to the sale or conveyance.
5. *Re-inspection.* Upon correction of the violation, the applicant shall notify the Borough in writing for a follow-up inspection, which shall be conducted within ten (10) business days from notification. If, following the re-inspection, the sidewalk(s) and/or apron(s) is/are determined to be in compliance as set forth in § 125-10.5(C)(4), a Compliance Certificate shall be issued to the applicant.
6. *Escrowed Funds and Post-Closing Certificate.* If weather or other uncontrollable considerations prevent said repairs from being performed, a sum sufficient to pay for the needed repair as determined by the Code Official or other designated Borough representative shall be paid to the Borough office, along with all applicable fees, and a Compliance Certificate shall then be issued. If the proceeds of the sale are needed to make the required repair(s), a Compliance Certificate can be obtained within seven (7) days after the closing on the sale, provided the funds have been escrowed in favor of the Borough of South Greensburg. Escrowed funds shall be used by the Borough to make necessary repairs.
7. *Timing.* A Compliance Certificate may be issued: (1) immediately after inspection if no repairs are required; (2) when the required repairs have been made and all applicable fees paid;

(3) upon payment to the Borough Office of an amount of money equal to the Code Official or other designated Borough representative's reasonable, good faith estimated cost of repair and inspection fees; or (4) if the proceeds of the sale or transfer are needed for the repair, within seven (7) days after finalization or closing of the sale, provided the required funds have been placed into escrow for purposes of sidewalk(s) and/or apron(s) repair.

8. *Restriction on Property Transfer.* No Property shall be transferred without issuance of a Compliance Certificate.
- E. *Validity of Compliance Certificate.* A Compliance Certificate shall be valid for one (1) year from the date of issuance and only until a sale or transfer is finalized for the Property. A new Compliance Certificate must be obtained for each subsequent sale or transfer of the Property.
- F. *Inspection Guidelines.* The Code Official or other designated Borough representative shall follow the Borough's "Sidewalk Rules and Regulations," which shall set forth the standards by which the Code Official or other designated Borough representative will order the improvements to be repaired for the issuance of the Compliance Certificate as set forth on the Notice to Repair.
- G. *Permit for Work.* All sidewalk and apron work (including patching) requires a permit as set forth in Chapter 144 hereof.
- H. *Violations; Appeal; Penalties.* Upon failure to comply with any terms or conditions of this Chapter, the owner and/or occupant shall be notified by the Borough of South Greensburg or its authorized representative, by certified United States mail or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the Property and shall cite the specific violation or violations, shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of fifteen (15) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice also shall advise that, in lieu of or in addition to fines and penalties and subsequent to the fifteen (15) day period for voluntary compliance, the Borough of South



Greensburg may itself correct the deficiencies or contract for the correction thereof and assess the actual cost thereof as a municipal lien against the Property and/or recover the expenses so incurred, including attorneys' fees, in any manner prescribed by law, including, but not limited to, the filing of an action in assumpsit. Such municipal lien, when filed, shall be a valid lien on the Property. Any judgment obtained or claim entered against the owner of the Property, or any individual, firm, corporation or entity occupying or otherwise responsible for the condition of the Property, shall bear interest at the maximum rates permitted by statute or rule of Court applicable to same. In the event that the owner and/or occupant cannot be ascertained, is otherwise not able to be located, or fails to accept or retrieve the notice through certified United States mail, a notice containing the above required information in summary form shall be posted on the premises and the Borough of South Greensburg Municipal Building for the applicable fifteen (15) day period, advising of the existence of the violation and requiring correction thereof in accordance with the terms and conditions herein established.

Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine not less than \$100.00 and not exceeding \$1,000.00, together with costs (including publication costs), costs of prosecution, including attorneys' fees, or, upon default in payment of the fine and costs, imprisonment for a term not to exceed thirty (30) days. Each day a violation of this Chapter exists beyond the compliance period shall constitute a separate violation of this Chapter. A conviction shall not bar further prosecutions for noncompliance with this Chapter subsequent to such conviction.

## **§ 125-11. Storage of Construction Materials.**

- A. Construction materials (including, but not limited to, cement, masonry products, wood, pipe and siding) may be stored in a building or structure, lot, court, back yard or side yard only when it is for the use of a construction project with an unexpired building permit, and the materials must be used or removed within thirty (30)

days after completion of the work or within thirty (30) days after the permit for such work has expired, been cancelled, revoked or suspended, whichever is soonest. A driveway may be used for storage only in the event that no side yard or back yard space is accessible or available, and provided that the materials are not stored in front of the house. No construction materials shall be permitted to be stored in the front yard for more than seven (7) consecutive days.

- B. Stored materials shall be elevated off the ground and covered to prevent harboring and infestation of rodents or insects.

## **§ 125-12. Yards; Open lots; Minor structures.**

No person shall permit:

- A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.
- B. The development of accumulation of hazards, rodent harborage and/or infestation upon or in yards, courts or lots.
- C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.
- D. Wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.
- E. Accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall any trees, plants or shrubbery or any portion thereof to grow and which constitute a safety hazard to pedestrian and/or vehicular traffic be permitted.
- F. The use of scrap rubber products in the construction and building of retaining walls or any other type of wall.
- G. Stagnant water to accumulate in small ponds, stationary fountains or swimming pools longer than thirty (30) days without a pump.
- H. Any structure or building (including fences) to be kept unpainted or untreated. All such structures and buildings (including fences) must

be maintained as such for purposes of preservation and appearance, and free of broken boards or glass, loose shingles, cracked, loose or missing siding, crumbling stone or brick, or cracked, chipped or peeling paint.

- I. Accumulation of debris, rubbish, garbage, junk or litter on any premises, vacant or improved.
- J. The collection of standing water of any nature which constitutes a hazard or threat to the health, welfare and safety of the citizens of the Borough of South Greensburg.

### **§ 125-13. Waterways.**

All waterways and drainage ditches shall be maintained in good condition, free from debris, plantings or other obstructions and with grass or other allowable cover that shall prevent and not be susceptible to erosion.

### **§ 125-14. Refuse, debris, litter and rubbish.**

- A. All refuse, debris, litter and rubbish shall be lawfully disposed of on a weekly basis, and, pending disposal, shall be kept in a closed litter receptacle. Debris, garbage, litter and rubbish shall not be swept, placed discharged or deposited in or on any sidewalk, gutter, street, alley, storm sewer or other public way. Owners and occupants also must abide by Chapter 90 Code regarding Garbage, Rubbish and Refuse.
- B. Any person storing municipal waste for collection shall comply with the following storage standards:
  - 1. All garbage must be in bags and placed in containers.
  - 2. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.
  - 3. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.

4. Containers shall be used and maintained so as to prevent public nuisances.
5. Containers which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner.
6. Containers shall be placed by the owner or customer at a collection point within five (5) feet of the road edge or curb line.
7. With the exception of pickup days, when the containers are set out for collection, the containers shall be promptly removed after collection and kept more than thirty (30) feet from the street property line of the owner or out of visible site, in the garage or on customer premises out of public view at all times.
8. Garbage cans maintained in the alley right-of-way are to be properly secured promptly after pick up. A secure area should be maintained for alley way garbage cans to prevent cans from blocking alley ways.
9. All refuse, debris, litter and rubbish must be placed in proper containers and must not be set out more than twenty-four (24) hours prior to the scheduled pickup.
10. Items containing Freon and/or other hazardous materials must have materials removed by a certified technician prior to collection.

#### **§ 125-15. Rodent infestation.**

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- C. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for

extermination shall conform with lawful and generally accepted practices.

## **§ 125-16. Miscellaneous Provisions.**

No person shall permit:

- A. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction or maintenance, or manner of discharge.
- B. Roof gutters, drains or any other system designed and constructed to transport stormwater to be discharged into any sanitary sewage system and/or any part thereof.
- C. Any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.
- D. Broken glass or metal parts with sharp or protruding edges, used auto parts, rubber products, tires, batteries, oil, oil filters, any liquid of a hazardous or potentially hazardous nature, including but not limited to, gasoline, oil, battery acids, refrigeration agents and poisons, to be discarded, abandoned or stored on any property.
- E. Upholstered furniture not manufactured for outdoor use (outdoor furniture shall be defined for purposes of this Chapter as a type of furniture specifically designed for outdoor use to be located in, belonging in, or suited to the open air, typically made of weather-resistant materials) where such furniture is visible to neighbors and passersby in the public right-of-way. Accordingly, upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered and/or overstuffed chairs, couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way or from the ground level of adjacent property shall be a violation of this Chapter. This provision shall not apply to such furniture that was placed in the location in question to allow it to be removed during a move of a resident or residents of the premises, has been removed as

part of a trash or recycling program on a day scheduled for such moving or removal, or temporarily placed in the location so that it would be offered for sale at a yard or garage sale within twenty-four (24) hours of the beginning and ending time of the sale, and so long as a sign is placed on or near the furniture indicating that it is for sale.

- F. Any other condition which shall in any matter threaten the health, safety or welfare of the citizens of the Borough of South Greensburg.

#### **§ 125-17. 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 is also responsible therefore and in violation thereof, nor shall the occupant 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 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.

#### **§ 125-18. Owners severally responsible.**

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

### **§ 125-19. Transfer of ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another person or entity until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

### **§ 125-20. Official action.**

A Code Official, officer or employee charged with the enforcement of the Code, while acting on behalf of the Borough of South Greensburg, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the Code shall be defended by the legal representative of the Borough of South Greensburg until final termination of the proceedings. A Code Official, officer or employee shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of the Code; and if the designated individual acts in good faith and without malice, the Code Official, officer or employee shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

## **§ 125-21. Right of entry.**

Whenever necessary to make an inspection or to enforce any of the provisions of this Code or whenever the Code Official (including any other designated official) has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure unsafe, the Code Official may enter the building or structure at any reasonable time to inspect the same or to perform any duty imposed upon the Code Official by this Code; provided, if such property be occupied, the Code Official shall first present proper credentials and request and obtain permission to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

Absent emergency circumstances, if no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of an administrative search warrant. The Court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

1. Eyewitness account of violation.
2. Citizen complaint(s).
3. Tenant complaint(s).
4. Plain view violation(s).
5. Violation(s) apparent from Borough records.
6. Nature of alleged violation, the threat to life or safety, and imminent risk of significant property damage.
7. One or more previous unabated violations in the building or structure or on the premises.

Probable cause supporting issuance of a warrant shall be deemed to exist if there is bona fide reason to believe that a condition of non-conformity exists with respect to a building in violation of the provisions of this Chapter are satisfied.



The Code Official may enter the premises without consent or a search warrant to make an inspection or enforce any of the provisions of this Code only when an emergency exists as prescribed in § 125-22, or when the premises are abandoned.

## **§ 125-22. Emergency measures.**

*Imminent Danger.* When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

*Temporary Safeguards.* Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

*Closing Streets.* When necessary for the public safety, the Code Official or other individual designated by the Borough of South Greensburg shall temporarily close structures and close, or request the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

*Emergency Repairs.* For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

*Costs of Emergency Repairs.* Costs incurred in the performance of emergency work shall be advanced by the Borough of South Greensburg. The Borough shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs, including filing a lien against the premises and making all other efforts to recoup its costs permitted by law.

*Compliance.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall comply with such order forthwith.

### **§ 125-23. Notice of violation; Municipal correction.**

Upon failure to comply with any terms or conditions of this Chapter, the owner and/or occupant shall be notified by the Borough of South Greensburg or its authorized representative, by certified United States mail or through personal service, of said violation or violations. Such notification shall be in writing and shall identify the premises and shall cite the specific violation or violations, shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a period of fifteen (15) days from the receipt of such notice and shall inform the owner and/or occupant of the fines and penalties which would accrue for the failure to comply. The notice also shall advise that, in lieu of or in addition to fines and penalties and subsequent to the fifteen (15) day period for voluntary compliance, the Borough of South Greensburg may itself correct the deficiencies or contract for the correction thereof and assess the actual cost thereof as a municipal lien against the premises and/or recover the expenses so incurred, including attorneys' fees, in any manner prescribed by law, including, but not limited to, the filing of an action in assumpsit. Such municipal lien, when filed, shall be a valid lien on the real estate. Any judgment obtained or claim entered against the owner of the property, or any individual, firm, corporation or entity occupying or otherwise responsible for the condition of the property, shall bear interest at the maximum rates permitted by statute or rule of Court applicable to same. In the event that the owner and/or occupant cannot be ascertained, is otherwise not able to be located, or fails to accept or retrieve the notice

through certified United States mail, a notice containing the above required information in summary form shall be posted on the premises and the Borough of South Greensburg Municipal Building for the applicable fifteen (15) day period, advising of the existence of the violation and requiring correction thereof in accordance with the terms and conditions herein established.

## **§ 125-24. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this Chapter shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine not less than \$25.00 and exceeding \$1,000.00, together with costs (including publication costs), costs of prosecution, including attorneys' fees, or, upon default in payment of the fine and costs, imprisonment for a term not to exceed thirty (30) days. Each day a violation of this Chapter exists beyond the thirty-day voluntary compliance period shall constitute a separate violation of this Chapter. A conviction shall not bar further prosecutions for noncompliance with this Chapter subsequent to such conviction.

In addition to the foregoing, the Borough of South Greensburg shall have the power to institute an appropriate action or proceeding at law to exact the penalty provided in Section 125-23, above, for any act, failure to act, or action taken in violation of this Chapter. In addition, the Borough may proceed with an action, at law or in equity, against the person, firm, corporation or any other entity responsible for the violation for the purpose of ordering or directing that person:

- A. To restrain, correct or remove the violation or refrain from any further alteration or work.
- B. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure.
- C. To prevent the occupancy of any structure that is not in compliance with the provision of this Chapter.
- D. To abate, repair or correct conditions on the property which constitute violations of this Chapter, and to raze and/or demolish any

structure thereupon and restore the remaining property to a safe condition.

The remedies provided herein shall be cumulative. The pursuit of any one remedy shall not be deemed or construed to preclude the Borough of South Greensburg from pursuing any other.

### **§ 125-25. 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.

## **Article II Vacant and Abandoned Property**

### **§ 125-26. Purpose and Intent.**

A. It is the purpose and intent of the Borough of South Greensburg to establish a process to address the amount of deteriorating real property located within the Borough, which includes but is not limited to property, whether vacant or occupied, about which a public notice of default has been filed, is in foreclosure, or where ownership has been transferred to lender or mortgagee by any legal method.

B. It is the Borough's intent to specifically establish a vacant or abandoned residential property program as a mechanism to protect the Borough from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

C. For the protection and promotion of the public health, safety, and welfare of the citizens of the Borough of South Greensburg, the

Borough Council hereby establishes the rights and obligations of owners, mortgagees and property management companies of vacant and abandoned properties within the Borough and encourages owners, mortgagees and property management companies to maintain and secure such property through registration and compliance with this Chapter.

**§ 125-27. Definitions.**

The following words, terms and phrases, when used in these sections of the Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned real property – Any property that is vacant or is subject to a mortgage under a current Notice of Default or Notice of Mortgagee's Sale, pending Tax Claim Sale or vacant properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

Enforcement officer – Any building official, zoning inspector, code enforcement officer, health officer, police officer, fire inspector or building inspector employed by the Borough.

Evidence of vacancy – Any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown or dead vegetation, accumulation of abandoned personal property, extensive or pervasive damage of improvements to real property, broken or boarded up windows and/or doors, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

Foreclosure – The process by which a property, placed as security for a real estate loan, is sold at public sale to satisfy the debt if the borrower defaults.

Mortgage – A conveyance of title to property that is given as security for the payment of debt or the performance of a duty and that will become void upon payment or performance according to the stipulated terms.

Mortgagee – One to who property is mortgaged or the mortgage creditor or lender.

Mortgagee in possession – A mortgagee who takes control of mortgaged land by agreement with the mortgagor, usually upon default of the loan secured by the mortgage.

Owner – Any person, agent, operator, firm or corporation having a legal or equitable interest in real property; or recorded in the official records of the Commonwealth, County or Borough as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the trustee, executor or administrator of the estate of such person if authorized by law to take possession of real property, or if ordered or authorized to take possession of real property by a court.

Person – An individual, sole proprietorship, business organization, corporation, partnership or any other group and/or entity acting as a unit.

Property management company – A property manager, property maintenance company or similar entity or individual responsible for the maintenance of abandoned real property.

Vacant – Any building/structure that is not legally occupied.

## **§ 125-28. Applicability.**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the Borough above and beyond any other state, county or local provisions for same.

## **§ 125-29. Registration of Abandoned or Vacant Real Property.**

A. The owner of vacant and/or abandoned real property shall register the property with the Borough within thirty (30) days of the vacancy or abandonment of the property, and annually thereafter, by February 1 of each year the property remains vacant and/or abandoned. The Owner shall register the property with the Borough, or its designee, on forms provided by the Borough. Within ten (10) days of the property being lawfully occupied, the Owner shall provide notice of the same to the Borough. The registration fee shall not be prorated based upon the date of registration.

B. Any mortgagee who holds a mortgage on real property located within the Borough shall, upon default by the mortgagor and prior to the issuance of a notice of default, perform an inspection of the property that is the security for the mortgage. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned real property and the mortgagee shall, within ten (10) days of the inspection, register the property with the Borough, or its designee, on forms provided by the Borough.

C. If the property is occupied but the mortgage on the property remains in default, the property shall be inspected to determine vacancy or occupancy status by the mortgagee or his designee monthly until: (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a

vacancy status providing the date of last inspection on forms provided by the Borough.

D. Registration pursuant to this section shall contain the name of the Owner and/or mortgagee, and such person's direct mailing address, a direct contact name and telephone number, facsimile number, and email address, the tax number and address of the vacant and/or abandoned property, and the name and twenty-four (24) hour contact phone number of the property management company responsible for the security and maintenance of the property, if one exists.

E. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale, and the property remains vacant.

F. A registration fee shall be required in the amount as designated by Council pursuant to §1-16 herein.

G. Properties subject to this section shall remain under the registration requirement, security and maintenance standards of this section as long as they remain vacant.

H. Any person or corporation that has registered a property under this section must report any change of information contained in the registration in writing within ten (10) days of the change to the Borough or its designee.

### **§ 125-30. Maintenance Requirements.**

A. Properties subject to this Article II shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circular, flyers, notices (except those required by federal, state, or local law), abandoned vehicles, portable storage devices, discarded personal items



including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

B. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

C. Front, side, and rear yards, including landscaping, shall be maintained in accordance with the Borough's Ordinances, including, by example and not limitation, the Borough's Property Maintenance Code.

D. Yard maintenance shall include, but not be limited to grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscaping shall not include weeds, gravel, broken concrete, asphalt or similar material.

E. Maintenance shall include, but not be limited to cutting, trimming, and mowing of required ground cover or landscape and removal of all trimmings.

F. Pools and spas shall be maintained so that the water remains free and clear of pollutants and debris, and does not cause a danger to the public health, safety, and welfare. Pools and spas shall comply with all requirements of the Borough's Ordinances, the Borough's Property Maintenance Code, and Pennsylvania Uniform Construction Code, as amended from time to time.

G. Failure of the owner or mortgagee to properly maintain the property may result in a violation of the Borough's Code and subject the owner or mortgagee to the enforcement provisions of this Article and the Borough Code.

### **§ 125-31. Security Requirements.**

A. Properties subject to this Ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows shall be secured by reglazing of the window.

C. If the owner and/or mortgagee is unable or unwilling to perform maintenance and inspections itself, the owner or mortgagee shall contract with a property management company who shall perform monthly inspections to verify compliance with the requirements of this section, and any other applicable laws. Upon the request of the Borough, the owner or mortgagee shall provide a copy of the inspection reports to the Borough or its designee.

E. Failure of the owner and/or mortgagee to properly maintain the property will result in a violation of this Article II and the Borough Code, which will result in the issuance of an appropriate citation.

### **§ 125-32. Additional Security.**

The enforcement officer or its designee shall have authority to require the owner and/or mortgagee of any property affected by this Ordinance, to implement maintenance or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property. The enforcement officer or its designee shall exercise this authority through the issuance of a notice of violation, pursuant to §125-34, which outlines the appropriate corrective action. Further, in view of the last referenced authority, it is specifically declared that:

A. In the event that the owner and/or mortgagee fail to take appropriate action to secure the structure within ten (10) days of demand by the enforcement officer or designee as outlined above, and the enforcement officer determines that the unsecured structure presents a danger to the public health, safety, and welfare of the community, the Borough may secure the structure, and charge the owner and/or mortgagee for the actual costs of securing the structure, including the cost of using a Borough employee to secure the structure. If the condition of the real property creates an immediate danger to the public health, safety, and welfare of the community, the Borough is authorized to immediately secure the structure, issue the notice of violation, and charge the owner and/or mortgagee for the actual costs of securing the structure, including the cost of using a Borough employee to secure the structure.

B. Whenever a structure or equipment is determined by the enforcement officer or its designee to be unsafe, or when the enforcement officer or Borough determines that a structure is unfit for human occupancy or found to be unlawful such that said structure shall be subject to condemnation proceedings under the Property Maintenance Code as adopted by the Borough (with amendments thereto), then such structure may be condemned under the provisions of the Property Maintenance Code. If and when the Borough elects to condemn the property, all continuing and future action by the Borough shall be governed by the requirements of the Property Maintenance Code.

### **§ 125-33. Immunity.**

Any Borough officer or employee or any person authorized by the Borough to take action pursuant to this Article II shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this Ordinance

### **§ 125-34. Notice of Violation.**

Whenever real property or an owner and/or mortgagee is in violation of the provision(s) of this Article II, the enforcement officer or its designee shall provide notice of such violation to the owner and/or mortgagee, detailing the violation and the appropriate corrective action. Notice shall be by way of certified, restricted delivery mail requiring the signature of the owner and/or mortgagee. If the same is returned as non-deliverable or not accepted by said owner and/or mortgagee, the notice of violation shall be mailed to the owner and/or mortgagee by way of regular first-class mail and the notice shall also be conspicuously posted on the real property for a period of fourteen (14) days. The posted notice shall be in a clear plastic sleeve with the opening taped so as to lessen the affect of moisture on the notice. All notices of violation shall be accompanied by a copy of this Article II. The owner shall have ten (10) days to comply with the notice of violation. The ten-day period shall begin on the date that the owner and/or mortgagee accepted the certified, restricted delivery mail, or upon the completion of the fourteen day (14) posting requirement. Failure to comply with the notice may lead to enforcement of this Article II pursuant to §125-35.

### **§ 125-35. Penalties and Remedies.**

A. It shall be a violation of this Article II to commit or permit any other person to commit any of the following acts:

1. To fail to perform any inspection or to register any property as required by the provisions of this Article II.
2. To fail to pay the registration fee as required by the provisions of this Article II.
3. To fail to maintain property as required by the provisions of this Article II.

4. To fail to perform the inspection and maintenance relating to properties so that they are maintained in a secure manner as required by the provisions of this Article II.
5. To refuse to permit inspections as required by the provisions of this Article II.
6. To place any false information on or to omit relevant information from and application for registration as required by the provisions of this Article II.
7. To fail or refuse to comply with any other provision of this Article II.

#### B. Penalties and Remedies.

1. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a summary offense and, upon conviction thereof before a Magisterial District Judge, shall be sentenced to pay a fine of \$1,000.00 and the cost of prosecution for each and every offense, and in default of payment thereof, shall be sentenced to imprisonment in Westmoreland County Prison for not more than thirty (30) days. Each violation and each day of violation shall constitute a separate offense. If an appeal is filed, pursuant to §125-35, the Borough
2. In addition to prosecution of the persons violating this Article II, the Borough may bring such civil or equitable actions, seeking civil or equitable remedies, in any appropriate Court of record of the Commonwealth of Pennsylvania, against any persons and/or property, real or personal, to enforce the provisions of this Ordinance. The remedies and procedures of this Ordinance are not intended to supplant or replace, to any degree, the remedies provided to the Borough in the Borough's Property Maintenance Code, Uniform Construction Code, Zoning Ordinance, or any other Borough Code, or Ordinance.

### **§ 125-35. Appeals.**

A. Any person aggrieved by the issuance of a notice of violation may file an appeal from that notice to the Borough Council within ten (10) days of the notice of the violation. The appeal shall set forth the factual and legal basis as to why the Borough's action against such real property, owner and/or mortgagee was unlawful. A public hearing shall be heard on the appeal within thirty days of the filing of the appeal, at which time the appellant shall present their appeal. The Borough employee, official, enforcement officer or designee responsible for the action giving rise to the appeal may make a presentation to the Borough Council. The Borough Council shall issue a decision on the appeal following the presentment of the appeal and prior to the close of the Public Hearing.

B. Any person aggrieved by any decision of the Borough Council relevant to the provisions of this Ordinance may appeal to the Westmoreland County Court of Common Pleas within thirty (30) days of the decision.

### **§ 125-36. Severability.**

If any section, clause, sentence, or phrase of this Article II is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Article II.

**SECTION 4.** This Ordinance shall be effective immediately.

**SECTION 5.** All other Ordinances inconsistent herewith are repealed.

## **Chapter 130**

### **RENTAL PROPERTIES**

- § 130-1. General.**
- § 130-2. Owner's duties.**
- § 130-3. Occupant duties.**
- § 130-4. Licenses and inspection.**
- § 130-5. Grounds for non-renewal, suspension or revocation of license.**
- § 130-6. Violations and penalties.**
- § 130-7. Miscellaneous provisions.**

**[HISTORY: Adopted 10-12-2009 by Ord. No. 2009-07.]**

#### **§ 130-1. General**

##### **A. Purpose/Scope/Declaration of Policy and Findings/Short Title.**

1. It is the purpose of this Ordinance and policy of the Council of the Borough of South Greensburg to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of Owners and Occupants in the rental of certain dwelling units in the Borough and to encourage Owners and Occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that Owners, Managers and Occupants of rental properties share responsibility for obeying the various Codes adopted for the protection of the public health, safety, welfare and well-being. As a means to those ends, this Ordinance provides for a system of inspections, the issuance and renewal of occupancy licenses and sets penalties for violations. This

Ordinance shall be liberally construed and applied to promote its purposes and policies.

2. In considering the adoption of this Ordinance, the Council of the Borough of South Greensburg makes the following findings:
  - a. There is a greater incidence of violations of various Codes of the Borough on residential properties where Owners do not reside in the Borough and rent such property to three (3) or more unrelated individuals than at Owner-occupies residential properties or family-occupied residential rental properties.
  - b. There is a greater incidence of decline in the maintenance and upkeep of residential properties where Owners do not reside in the Borough and rent such property to three (3) or more unrelated individuals than at Owner-occupied residential properties or family-occupied residential rental properties.
  - c. There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where Owners rent to three (3) or more unrelated individuals than at Owner-occupied residential properties or family-occupied residential rental properties.
3. This Ordinance shall be hereafter known as the "Borough of South Greensburg Regulated Rental Unit Occupancy Ordinance."

**B. Definitions.**

**BOROUGH** - the Borough of South Greensburg, Westmoreland County, Pennsylvania.

**CODE** - Any CODE or ordinance adopted, enacted, and/or in effect in and for the Borough concerning fitness for habitation or relating to the construction, maintenance, repair, operation, occupancy, use or appearance of any PREMISES or DWELLING UNIT, AS SAME MAY EXIST ON THE DATE THIS ORDINANCE BECOMES EFFECTIVE, OR AS SAME MAY BE AMENDED FROM TIME



TO TIME, OR AS MAY BE HEREAFTER ENACTED BY THE BOROUGH RELATING TO SAME.

**CODE OFFICER** - Any duly appointed **BUILDING CODE OFFICIAL**, **BUILDING INSPECTOR** and/or **CODE ENFORCEMENT OFFICER(S)** in charge of the enforcement of any Code, Ordinance or law within the Borough, and/or any assistants or deputies thereof.

**COMMON AREA** - In **MULTIPLE UNIT DWELLINGS**, space which is not part of a **REGULATED RENTAL UNIT** and which is shared with other **OCCUPANTS** of the **DWELLING** whether they reside in **REGULATED DWELLING UNITS** or not. **COMMON AREAS** shall be considered as part of the **PREMISES** for purposes of this Ordinance.

**DISRUPTIVE CONDUCT** - Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any **OCCUPANT** or visitor of **REGULATED DWELLING UNIT** that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other **PERSONS** or reasonable sensibility in their peaceful enjoyment of their **PREMISES** such that a complaint is made to **POLICE** complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitutes a criminal offense, nor is it required that criminal charges be filed for a **PERSON** to have perpetrated, caused, or permitted the commission of **DISRUPTIVE CONDUCT**. Provided, however, that no **DISRUPTIVE CONDUCT** shall be deemed to have occurred unless the **POLICE** investigate and make a determination that such occurred and prepare a **DISRUPTIVE CONDUCT REPORT** of such occurrence.

**DISRUPTIVE CONDUCT REPORT** - A written report of **DISRUPTIVE CONDUCT** on a form to be prescribed by the Borough, to be completed by the **POLICE OFFICER**, as the case may be, who actually investigates an alleged incident of **DISRUPTIVE CONDUCT**. A copy of all **DISRUPTIVE CONDUCT REPORTS** shall be maintained by the Chief of Police and Borough Secretary.

**DWELLING** - A building have one or more **DWELLING UNITS**.

**DWELLING UNIT** - A room or group of rooms within a DWELLING, forming a single unit and used for living and sleeping purposes, having its own cooking facilities, and a bathroom with a toilet and bathtub or shower.

**GUEST** - Any PERSON on the PREMISES with the actual or implied consent of the OWNER or an OCCUPANT.

**LANDLORD** - Any corporation, partnership, entity or one or more PERSONS, jointly or severally, vested with all or part of the legal title to the PREMISES, or all or part of the beneficial ownership and a right to present use and enjoyment of the PREMISES, including a mortgage holder in possession of a REGULATED RENTAL UNIT. (See also "OWNER").

**MANAGER** - An adult individual designated by the OWNER of a REGULATED RENTAL UNIT. The MANAGER shall be the agent of the OWNER for service of process and receiving notices or demands and to perform the obligation of the OWNER under this Ordinance and under RENTAL AGREEMENTS with OCCUPANTS.

**MULTIPLE-UNIT DWELLING** - a building containing two (2) or more independent DWELLING UNITS, including, but not limited to, a duplex, row houses, town houses, condominiums, apartment buildings and conversion apartments.

**OCCUPANCY LICENSE** - The License issued to the OWNER of a REGULATED RENTAL UNIT under this Ordinance required for the lawful rental and occupancy of REGULATED RENTAL UNITS.

**OWNER** - Any corporation, partnership entity or one or more PERSONS, jointly or severally, in whom is vested all or part of the legal title to the PREMISES, or all or part of the beneficial Ownership and a right to present use and enjoyment of the PREMISES, including a mortgage holder in possession of a REGULATED RENTAL UNIT.

**OWNER-OCCUPIED DWELLING UNIT** - A DWELLING UNIT in which the OWNER resides on a regular or permanent basis.

**PERSON** - A natural PERSON, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

**POLICE** - The POLICE Department of the Borough of South Greensburg, the Chief of Police or any properly authorized member or officer thereof, or any other law enforcement agency having jurisdiction within the Borough.

**PREMISES** - Any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more REGULATED RENTAL UNITS is located.

**REGULATED RENTAL UNIT** - A DWELLING UNIT occupied by three (3) or more unrelated PERSONS under a RENTAL AGREEMENT.

**RENTAL AGREEMENT** - A written or oral agreement, installment land sale contract, agreement of sale, or other written or oral understanding or Agreement entered between OWNER/LANDLOR and OWNER/TENANT, supplemented by the Addendum required this Ordinance, embodying the terms and conditions concerning the use and of a specified REGULATED RENTAL UNIT or PREMISES, together with and including any sub-lease or agreement to sub-let thereunder.

**TENANT** - An individual who resides in a REGULATED RENTAL UNIT, whether or not he or she is the OWNER thereof with whom a legal relationship with the OWNER/LANDLORD is established by a written or lease or understanding, or by the laws of the Commonwealth of Pennsylvania. (See also "OCCUPANT").

**UNRELATED** - Of or pertaining to three (3) or more PERSONS not related to one another through blood to the level of second cousins, adoption or marriage.

## **§ 130-2. Owner's duties.**

### **A. General.**

1. It shall be the duty of every OWNER to keep and maintain all REGULATED RENTAL UNITS in compliance with all applicable Codes and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good safe condition.
2. As provided for in this Ordinance, every OWNER shall be responsible for regulating the proper and lawful use and maintenance of every DWELLING which he, she or it owns. As provided for in this Ordinance, every OWNER shall also be responsible for regulating the conduct and activities of the OCCUPANTS of every REGULATED RENTAL UNIT or upon its PREMISES.
3. In order to achieve those ends, every OWNER of a REGULATED RENTAL UNIT shall be responsible for the conduct and activity of the OCCUPANTS thereof, both contractually and through enforcement, as more fully set forth below.
4. This Section shall not be construed as diminishing or relieving, in any way, the responsibility of OCCUPANTS or their GUESTS for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any OWNER of any responsibility or liability which OCCUPANTS or their GUESTS may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an OWNER to indemnify or defend OCCUPANTS or their GUESTS when any such action or proceeding is brought against the OCCUPANT based upon the OCCUPANT'S conduct or activity. Nothing herein is intended to impose any additional civil or criminal liability upon OWNERS other than that which is imposed by existing law.

5. This Ordinance shall not be deemed or construed to limit any other enforcement remedies which may be available to the Borough against an OWNER, OCCUPANT, or GUEST thereof.

B. Maintenance of premises.

1. The OWNER shall maintain the PREMISES in compliance with the applicable CODES and Ordinances of the Borough, together with all applicable laws of the Commonwealth of Pennsylvania and shall regularly perform all routine maintenance, including but not limited to, lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to comply with same.

All Occupants of REGULATED DWELLING UNITS shall be hereafter provided with the NOTICE attached hereto as Appendix "A." No oral leases and no oral modifications thereof are permitted. All disclosures and information required to be given to OCCUPANTS by the OWNER shall be furnished at or before the signing of the RENTAL AGREEMENT. The OWNER shall obtain the signature of each Occupant thereupon, provide OCCUPANT with copies of the Addendum, and file the original within five (5) days of execution with the Secretary of South Greensburg Borough.

2. Terms and Conditions. OWNER and OCCUPANT may include in a RENTAL AGREEMENT terms and conditions not prohibited by this Ordinance or other applicable ordinances, regulations, and laws, including rent, term of the agreement, and other provisions governing the rights and obligations of the parties.
3. Prohibited Provisions. Except as otherwise provided in this Ordinance, no RENTAL AGREEMENT may provide that the OCCUPANT or OWNER agrees to waive or forego rights or remedies under this Ordinance. Any provision prohibited by this subsection included in a RENTAL AGREEMENT may not be raised as a defense in any enforcement proceeding under this Ordinance.

C. Common Areas.

Where an OWNER does not by the terms of a lease regulate the use of COMMON AREAS or the behavior of OCCUPANTS and/or GUESTS in the COMMON AREAS, the OWNER shall be deemed directly responsible for the behavior of OCCUPANTS and GUESTS in the COMMON AREA as if the OWNER were an OCCUPANT.

D. Inspection by Borough.

The OWNER shall permit inspections of any PREMISES by any CODE OFFICER at reasonable times upon reasonable notice.

E. Compliance with Terms of Ordinances.

No OWNER shall let, lease, permit or approve a sub-lease, or otherwise enter into any RENTAL AGREEMENT for a REGULATED RENTAL UNIT, or cause to let, lease, permit or approve a sub-lease, or otherwise enter into any RENTAL AGREEMENT for a REGULATED RENTAL UNIT without first applying for a LICENSE under this Ordinance and submitting the PREMISES for inspection by the CODE ENFORCEMENT OFFICER or other representative of the Borough to ensure the compliance with the terms of this Ordinance and/or any other Ordinance of the Borough associated with or applicable to, the occupancy of rental units within the Borough and/or building codes and standards associated with same. No OWNER shall let, lease, permit or approve a sub-lease or otherwise enter into any RENTAL AGREEMENT for a REGULATED RENTAL UNIT, where either the terms of the RENTAL AGREEMENT and/or the physical condition of the premises fails to comply with all terms and conditions of this Ordinance or any other Ordinance in effect in the Borough applicable to same, such other Ordinances being deemed to include, but not be limited to the Borough's Property Maintenance Ordinance and the PENNSYLVANIA UNIFORM CONSTRUCTION CODE as adopted and implemented by the Borough. The failure to comply with this provision, or any other provision or requirement of this Ordinance shall be a violation thereof and subject the violating party to any and all sanctions, penalties and/or remedies available to the Borough as set forth herein.

### **§ 130-3. Occupant Duties.**

#### **A. General.**

The OCCUPANT shall comply with all obligations imposed upon OCCUPANTS by this Ordinance, all applicable Codes and Ordinances of the Borough and all applicable provisions of state law.

#### **B. Health and Safety Regulations.**

1. The maximum number of persons permitted within any REGULATED RENTAL UNIT at any time shall not exceed one (1) person for each fifty (50) square feet of habitable floor space in said REGULATED RENTAL UNIT. Habitable floor space shall exclude all hallways, bathrooms, closets and other storage areas on the property. The maximum number of persons permitted in the COMMON AREAS of any MULTIPLE-UNIT DWELLING at any time shall not exceed one (1) person for each twenty-five (25) square feet of COMMON AREA on the PREMISES. The maximum number of persons permitted on the exterior of the premises of any REGULATED RENTAL UNIT at any time shall not exceed one (1) person for every one-hundred fifty (150) square feet of exterior area.
2. No REGULATED RENTAL UNIT shall be occupied by more than five (5) unrelated persons.

#### **C. Peaceful Enjoyment.**

All OCCUPANTS shall conduct themselves and require other PERSONS, but not limited to, GUESTS on the PREMISES and within their REGULATED RENTAL UNIT with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby DWELLINGS by the PERSONS occupying same.

#### **D. Residential Use.**

No OCCUPANT shall, unless otherwise permitted by applicable law or Ordinance, occupy or use his or her REGULATED RENTAL UNIT for any other purpose than as a residence.

E. Illegal Activities.

No OCCUPANT shall engage in, tolerate or permit others on the PREMISES to engage in any conduct declared illegal under Pennsylvania Crimes Code (18 Pa. C.S. A 101, et seq), the Pennsylvania Liquor Code (47 P.S. 1-101 et seq), or The Controlled Substance Drug, Device and Cosmetic Act (35 P.S. 780-101 et seq).

F. Disruptive Conduct.

1. No OCCUPANT shall engage n, tolerate or permit others on the PREMISES to engage in DISRUPTIVE CONDUCT, Illegal Activities as set forth above, or other violations of this or any other Ordinance in effect within the Borough.
2. When POLICE investigate an alleged incident and find that the reported incident constituted "DISRUPTIVE CONDUCT" as defined herein, they shall complete a DISRUPTIVE CONDUCT REPORT. The report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the DISRUPTIVE CONDUCT and all other obtainable information including the factual basis for the DISRUPTIVE CONDUCT reported. All reports shall be forwarded to the Chief of Police.
3. The Police shall thereafter mail a copy of the DISRUPTIVE CONDUCT REPORT to the OWNER and OCCUPANT(S) within five (5) working days.

G. Enforcement.

1. Within five (5) days after receipt of written notice from the Chief of Police that an OCCUPANT of a REGULATED RENTAL UNIT has violated a provision of this Ordinance, the OWNER shall take immediate steps to remedy the violation and assure there is not a reoccurrence of the violation.
2. Within ten (10) days after receipt of a notice of violation, the OWNER shall file with the Chief of Police a report, on a form provided by the Borough, setting forth what action the OWNER has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall



also describe and detail a plan the OWNER will implement in the future if the violation reoccurs.

3. The Chief of Police shall forward a copy of such Notice and the OWNER'S report to the Mayor of the Borough for review and/or approval. The Mayor may approve such plan or modify same to ensure that adequate provisions have been included to prevent a recurrence of the violation. Thereafter, the OWNER shall, on his or her initiative, enforce the plan. The failure to do so shall be a violation of this Ordinance and result in that remedial action set forth hereafter.
4. In the event that a second violation occurs within a license year involving the same OCCUPANT or OCCUPANTS, such violation shall be reported to the Borough Council. Thereafter, Council may, in addition to any other remedy set forth herein, direct the OWNER to evict the OCCUPANTS who violated the Ordinance and not permit the OCCUPANTS to occupy the PREMISES during any subsequent licensing period.

#### **§ 130-4. Licenses and Inspection.**

##### **A. License Requirement.**

1. Prior to the entry into a RENTAL AGREEMENT or permitting the occupancy of any REGULATED RENTAL UNIT the OWNER of every such REGULATED RENTAL UNIT shall apply for and obtain a License for each REGULATED RENTAL UNIT from the Borough.
2. A License shall be required for all REGULATED RENTAL UNITS.
3. A License shall not be required for MULTIPLE-UNIT DWELLINGS, provided, however, that license shall be required for each REGULATED RENTAL UNIT existing within the MULTIPLE-UNIT DWELLING structure. The foregoing notwithstanding, all other provisions of this Ordinance shall apply to the COMMON AREAS of the structure.

4. The application for the License shall be in a form as determined by the Borough.
5. The OWNER shall maintain a current list of OCCUPANTS in each REGULATED DWELLING UNIT. Such list shall include the name, permanent address and permanent telephone number of each OCCUPANT. The OWNER shall furnish the list to the Borough along with the License Application and shall notify the Borough of any changes in the number of OCCUPANTS so that revisions can be made to the License.

B. Annual License Term, Fee and Occupancy Limit.

1. Each License shall have an annual term running from July 1 through June 30 of the next year.
2. Upon application for a License and prior to issuance or renewal thereof, each applicant shall pay to the Borough an annual License and Inspection Fee, in an amount to be designated by Council pursuant to §1-16 herein. Such designation may provide for more than one fee scale for different categories of PREMISES, as defined in the resolution of Council making the designation. Such resolution shall also provide for the manner in which the initial Licensing of REGULATED RENTAL UNITS under this Ordinance will be administered.
3. The License shall indicate thereon the maximum number of OCCUPANTS in each REGULATED RENTAL UNIT and the names of each OCCUPANT of same.
4. A copy of the License shall be kept in the REGULATED RENTAL UNIT and made available for inspection by the Borough or Police during any investigation of a DISTURBANCE herein.

C. Inspection.

1. All PREMISES shall be subject to an inspection by any CODE OFFICER or another duly authorized agent of the Borough. Such inspection may take place when an application is submitted for a License, or at any time during the year.

2. Any violations or deficiencies determined to exist by the CODE OFFICER shall be remedied pursuant to the terms of the Ordinance under which the violation or deficiency occurs as such Ordinance may be in effect within the Borough at the time the inspection occurs.
3. The failure of an OWNER or OCCUPANT to permit access to the PREMISES to perform any such inspection, or the failure to correct any violation or deficiency within time limitations established for same, shall be cause for the denial of any LICENSE to occupy the PREMISES.

D. Search Warrants.

In the event the Police or CODE OFFICER are denied access to a PREMISES following request, upon a showing of probable cause that a violation of this Ordinance or any other Ordinance of the Borough has occurred, or upon a showing that the Police or CODE OFFICER are otherwise entitled under the laws of the Commonwealth of Pennsylvania to the issuance of a warrant or an Administrative Warrant, the Police or CODE OFFICER shall apply to the Magisterial District Judge or other Authority having jurisdiction in the Borough for a search warrant to enter and inspect the PREMISES, or to obtain from the OWNER of the PREMISES any such evidence that a violation of this Ordinance, or any other Ordinance herein described, has occurred or is occurring.

## **§ 130-5. Grounds for Non-Renewal, Suspension or Revocation of License.**

A. General.

The Council of South Greensburg Borough, or those representatives thereof herein described, may initiate or cause the initiation of disciplinary action against an OWNER including, but not limited to the initiation of a CORRECTIVE ACTION PLAN, non-renewal, suspension and/or revocation of the OWNER'S License, following a finding that DISRUPTIVE CONDUCT has occurred on the property or for violation of any provision of this Ordinance that imposes a duty upon the OWNER for failing to

regulate the breach of duties by OCCUPANTS as provided hereafter.

**B. Remedial Measures Defined.**

Remedial measures imposed by the Borough may include, but shall not be limited to, the following:

1. **Corrective Action Plans** - Following the receipt of a **DISRUPTIVE CONDUCT REPORT** and a finding that **DISRUPTIVE CONDUCT** has occurred, the Borough shall require the **OWNER** to submit a **CORRECTIVE ACTION PLAN** detailing how the **OWNER** has corrected or intends to correct the **DISRUPTIVE CONDUCT**. Such report shall be in writing, dated and signed by the **OWNER**. Following submission of such report, the Mayor may affirm, modify or reject such plan in its entirety and notify **OWNER** of same. In the event of a total rejection of the **OWNER'S** plan, the Mayor shall prepare a corrective action plan on behalf of the Borough and notify **OWNER** of same. The failure of the **OWNER** to submit a **Corrective Action Plan** within five (5) days of the date of any Notice to the **OWNER** to submit same shall be a violation of this Ordinance and shall cause the Mayor to prepare and enforce a **CORRECTIVE ACTION PLAN** to remedy the **DISRUPTIVE CONDUCT**. Nothing in this paragraph shall be deemed or construed to prevent the Borough from making any other remedial measures available to it at law, in equity or under the terms of this Ordinance.
2. **Non-Renewal** - The denial of the privilege to apply for License renewal after expiration of the License term. The Borough may permit the **OWNER** to maintain **OCCUPANTS** in the **PREMISES** until the end of the license term but will not accept applications for renewal of the License until a time set by Borough Council.
3. **Suspension** - The immediate loss of the privilege to rent **REGULATED RENTAL UNITS** for a period of time set by Borough Council. The **OWNER**, after the expiration of the suspension period, may apply for License renewal without the need to show cause why the **OWNER'S** privilege to apply for a

License should be reinstated. Upon suspension, the OWNER shall take immediate steps to evict the OCCUPANTS.

4. Revocation - The immediate loss of the privilege to rent REGULATED RENTAL UNITS for a period of time set by Borough Council and the loss of the privilege to apply for renewal of the License at the expiration of the time period. Upon the loss of privilege to rent, the OWNER shall take immediate steps to evict the OCCUPANTS.
5. In the event the OWNER fails to take action to evict the OCCUPANTS after receiving Notice to do so, then the Borough may initiate any action, at law or in equity, to evict such OCCUPANTS and collect all costs and expenses thereof, including reasonable attorney's fees, from the OWNER. Such costs, expenses and attorney's fees shall be collected by the Borough through any action available to the Borough for the collection of debt, including, but not limited to, the initiation of a civil action or the filing of a municipal claim against the property and execution upon same.

C. Consideration in Applying Remedial Measures.

The Police, Chief of Police and Borough Council, when issuing a DISRUPTIVE CONDUCT REPORT and/or in reviewing, recommending and/or applying any remedial measures hereunder, shall take into consideration the following factors:

1. The effect of the violation on the health, safety and welfare of the OCCUPANTS of the REGULATED RENTAL UNIT and other residents of the PREMISES.
2. The effect of the violation on the neighborhood and/or the occupants of surrounding properties.
3. Whether the OWNER has prior violations of this Ordinance and other Ordinances of the Borough or has received notices of the violations as provided for in this Ordinance.
4. Whether the OWNER has been subject to disciplinary proceedings under this Ordinance.
5. The effect of disciplinary action on the OCCUPANTS.

6. The action taken by the OWNER to remedy the violation and to prevent future violations, including any written plan submitted by the OWNER.
7. The policies and lease language employed by the OWNER to manage the REGULATED DWELLING UNIT to enable the OWNER to comply with the provisions of this Ordinance.
8. In addition to applying discipline as set forth above, the CODE OFFICER may recommend, and Borough Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Ordinance.

D. Grounds to Taking Remedial Measures.

Any of the following may subject an OWNER to those remedial measures as provided for in this Article:

1. Failure to abate a violation of this Ordinance and other applicable Codes and Ordinances that apply to the PREMISES within the time directed by the Borough.
2. Engaging in conduct that interferes with or otherwise thwarts or impedes the inspection of the PREMISES by the Police, CODE OFFICER, or any other designated agent of the Borough as required by this Ordinance or in the enforcement of this Ordinance.
3. Failure to take steps to remedy and prevent violations of this Ordinance by OCCUPANTS of REGULATED RENTAL UNITS as required by this Ordinance.
4. Failure to file and implement an approved plan to remedy and prevent violations of this Ordinance by OCCUPANTS of a REGULATED RENTAL UNIT as required by this Ordinance.
5. Failure to evict OCCUPANTS after having been directed to do so by the BOROUGH as provided for in this Ordinance.
6. Three (3) related or unrelated violations of this Ordinance or any other Ordinance of the Borough that apply to the PREMISES within a License term. For purposes of this Ordinance, there need be no criminal conviction before a violation may be found

to exist. Before a prior violation can be considered under this Section, the OWNER must have received notice in writing of each violation pursuant to the terms of this Ordinance.

E. Procedure for Non-Renewal, Suspension, or Revocation of License.

1. Notification - Following a determination by the Borough that grounds for non-renewal, suspension or revocation of a License exist, the Borough shall notify the OWNER of the action to be taken and the reasons for same. Such notification shall be in writing, addressed to the OWNER in question, and shall contain the following information:
  - a. The address of the PREMISES in question and identification of the particular REGULATED RENTAL UNIT(S) affected.
  - b. A description of the violation which has been found to exist.
  - c. A statement that the License for said REGULATED RENTAL UNIT(S) shall be either suspended or revoked, or will not be renewed for the next License Year beginning July 1. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension, shall also state the duration of said suspension.
  - d. A statement that, due to the non-renewal, suspension or revocation (as the case may be), the OWNER or any PERSON acting on his, her or its behalf is prohibited from renting, letting, or permitting occupancy of the DWELLING UNIT(S) by more than three (3) unrelated individuals subject to said enforcement action, from and during the period said action is in effect.
  - e. A statement informing the OWNER that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the License to Borough Council, by submitting in writing to the Borough Secretary, within ten (10) days from the date printed on the Notice, a detailed statement of the appeal including the grounds therefore and the reason(s) alleged as to why the determination of the

Borough Council is incorrect or should be overturned. The appeal shall contain a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefore by Borough Council, to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established from time to time by Resolution of Borough Council.

- f. Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Secretary shall schedule a hearing before Borough Council not more than thirty (30) days from the date on which the appeal is filed.
- g. The appellant shall receive notice of the hearing on the appeal. Notice of the hearing on appeal shall be sent to the APPELLANT by Regular U.S. Mail at the mailing addresses maintained for same in the South Greensburg Borough Tax Office. Notice of the hearing shall be published in a newspaper of general circulation within the Borough on one (1) occasion, such Notice appearing not less than seven (7) days prior to the date of the hearing. No other notice shall be required.
- h. The hearing on the appeal shall be conducted by Borough Council. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the POLICE or other public official(s) involved, and any relevant factual presentations of other parties, Borough Council shall make a decision affirming, reversing or modifying the prior action from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the hearing, or within thirty (30) days thereafter. The decision shall be reduced to writing stating clearly the factual and legal basis for the decision, with forty-five (45) days after the hearing. If the Borough Council deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than thirty (30) days from the initial hearing, which time and date shall be openly announced at the initial



hearing and in such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

2. Delivery of Notification - All Notices shall be sent to the OWNER by regular First-Class U.S. Mail, postage pre-paid. Such Notice shall also be posted at a conspicuous place on the PREMISES.

## **§ 130-6. Violations and Penalties.**

### **A. Violations.**

It shall be unlawful for any PERSON or OWNER of a REGUALTED RENTAL UNIT for which a License is required, to operate without a valid, current License issued by the Borough authorizing such operation. It shall also be unlawful for any PERSON or OWNER to allow the number of OCCUPANTS of a REGULATED RENTAL UNIT to exceed the maximum limit as set forth on the License, or to violate or fail to otherwise comply with any CORRECTIVE ACTION PLAN or any other term or provision of this Ordinance. IT SHALL BE LIKEWISE UNLAWFUL FOR ANY OCCUPANT TO VIOLATE ANY TERM OR PROVISION OF THIS ORDINANCE.

### **B. Penalties.**

Any violation of this Ordinance shall constitute a summary offense punishable, upon conviction thereof by a District Justice, by a fine not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) plus costs of prosecution or, in default of payment of such fine and costs, by a term of imprisonment not to exceed thirty (30) days for each offense. Each day a violation continues shall constitute a separate and distinct offense without the necessity of filing a separate citation.

### **C. All Remedies Cumulative.**

The penalty provisions of this Article and the License renewal, non-renewal, suspension and revocation procedures provided in this

Ordinance shall be independent, separate and cumulative remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other Code or Ordinance of the Borough, whether or not such other Code or Ordinance is referenced in this Ordinance and whether or not an ongoing violation of such other Code or Ordinance is cited as the underlying ground for a finding of a violation of this Ordinance. The penalty provisions and remedies contained in this Ordinance are intended to be cumulative. Nothing in this Ordinance shall be deemed or construed to prevent the Borough from engaging in any other remedies to which it may be entitled, at law, in equity or otherwise.

## **§ 130-7. Miscellaneous Provisions.**

### **A. Notices.**

1. There shall be a rebuttable presumption that any notice required to be given to the OWNER under this Ordinance shall have been received by such OWNER if the notice was given to the OWNER in the manner provided by this Ordinance.
2. A claimed lack of knowledge by the OWNER of any violation hereunder cited shall be no defense to License non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Ordinance.

### **B. Changes in Ownership Occupancy.**

It shall be the duty of each OWNER of a REGULATED RENTAL UNIT to notify the Borough Secretary, in writing, of any change in Ownership of the PREMISES or of the number of REGULATED RENTAL UNITS on the PREMISES. It shall also be the duty of the OWNER to notify the Borough Secretary, in writing, of any increase in the number of OCCUPANTS in any

REGULATED RENTAL UNIT or of the changing of a DWELLING UNIT from OWNER-OCCUPIED to NON-OWNER OCCUPIED, which thereby transforms the DWELLING into a REGULATED RENTAL UNIT for purposes of this Ordinance.

C. Owners Severally Responsible.

If any REGULATED RENTAL UNIT is owned by more than one PERSON, in any form of joint tenancy, in partnership, or otherwise, each PERSON shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance, and may be jointly and/or severally subject to prosecution for the violation of this Ordinance.

D. Severability.

The terms, provisions and applications of this Ordinance are severable. If any provision of this Ordinance or the application thereof to any PERSON or circumstance is held invalid, such holding shall not affect the remaining provisions or applications of this Ordinance. The remaining provisions and/or applications of this Ordinance shall remain in full force and effect without the invalid provision or application.

E. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

## **Chapter 135**

### **SEWERS**

#### **Part 1 Regulations**

#### **ARTICLE I Installation of Public Sewers**

- § 135-1. Application for connection permit.**
- § 135-2. Installation.**
- § 135-3. Licensing of installers.**
- § 135-4. Control of work; costs.**
- § 135-5. Violations and penalties.**
- § 135-6. Prohibited disposal.**
- § 135-7. Penalties for damage to system.**
- § 135-8. Prevention of solid matter into sewers.**
- § 135-9. Providing sufficient water for flushing.**
- § 135-10. Disposition of fees and fines.**
- § 135-11. Inspection of sewers.**
- § 135-12. Required drainage.**
- § 135-13. Maintenance of inlet basins.**
- § 135-14. Rules for connections.**
- § 135-15. Pipe size.**
- § 135-16. Notice of time of connection.**

**§ 135-17. Underground drain connections.**

**§ 135-18. Institution of prosecution.**

## **ARTICLE II**

### **Discharge of Industrial Wastes**

**§ 135-19. Definitions.**

**§ 135-20. Admission of industrial wastes.**

**§ 135-21. Right to refuse certain wastes.**

**§ 135-22. Harmful factors.**

**§ 135-23. Manhole installation.**

**§ 135-24. Prohibited excesses.**

**§ 135-25. Shredding of garbage.**

**§ 135-26. Prohibited wastes.**

**§ 135-27. Sewerage service charge.**

**§ 135-28. Basis of service charge.**

**§ 135-29. Method of billing.**

**§ 135-30. Method of measurement.**

**§ 135-31. Metering of water.**

**§ 135-32. Installation of additional meters.**

**§ 135-33. Application for reduction of service charge.**

**§ 135-34. Authorization for additional contracts.**

**§ 135-35. Charge for shredded garbage.**

**§ 135-36. Charges for garbage grinders.**

**§ 135-37. Billing of additional charges.**

**§ 135-38. Surcharge for industrial wastes.**

- § 135-39. Basis for surcharge.
- § 135-40. Formula for surcharge.
- § 135-41. Alternate formula.
- § 135-42. Surcharge to be added to service charge.
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**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Part 1, 10-8-1979 as Ch. 9 of the Code of Ordinances; Part 2, 3-8-1993 as Ord. No. 93-2. Sections 135-5, 135-7, 135-9, 135-17, 135-18 and 135-57 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

**GENERAL REFERENCES**

Sewage authority — See Ch. 42.  
Mobile homes — See Ch. 114.

**Part 1**  
**Regulations**  
**[Adopted 10-8-1979 as Ch. 9 of the Code of Ordinances]**

**ARTICLE 1**  
**Installation of Public Sewers**

**§ 135-1. Application for connection permit.**

From and after the approval of this Article, any person who shall be the owner or lessee of premises desiring to connect with any sewers of the borough by the "Y" connections now laid and established shall first make application to the Borough Secretary's office upon a book prepared for that purpose, and upon the receipt of such application, it shall be the duty of the Secretary to issue a permit for the tapping of the sewer, subject to the provisions of this Article, and to collect the fee as designated by Council pursuant to §1-16 herein, for the privilege; provided, however, that the permit shall be granted only upon the condition that the owner or lessee for whose benefit such connection is made and each succeeding tenant shall, in consideration of the privilege thereby granted and employed, hold the borough harmless from all and any loss or damage that may in any way result from or be occasioned by such sewer connections; and further provided, that they will not permit improper material to be thrown into the sewer inlets or openings, such as grease, rags, sweepings, shavings or kitchen refuse or solids of any kind, and will at all times keep these openings or inlets properly protected with grating or catch basins of description and form approved by the Borough Secretary. It shall moreover be a condition in the privilege granted that the party for whose use the attachment with the sewer is made shall have all downspouts, conductors or openings from buildings that discharge water or liquids upon the foot walks of the street connected with a private drain and the water or liquids carried underground to the sewer.

### **§ 135-2. Installation.**

Any person who shall be the owner or lessee of premises desiring to connect with the main sewer, other than the "Y" connection now laid and established, shall first make application to the Borough Council in meeting assembled and obtain its consent for such connections, which said consent or permit shall be subject to the provisions of this Article. Before any work shall begin under the provisions of this section, a license fee as designated by Council pursuant to §1-16 herein shall be paid to the Treasurer of said Council. No such tapping or connection shall be done by any other than a regular licensed plumber. Said tapping shall be made by a "Y" connection with the main sewer, and all the cost of said connection shall be borne by said owner or lessee. Said tapping or connection shall be made subject to the provisions in § 135-1 of this Article.

### **§ 135-3. Licensing of installers.**

The Committee on Sewers is hereby authorized to license three (3) or more persons in the borough to do the work of making the connections and laying the drains within the street limits or outside of the property line by the "Y" connections now laid and established, provided that no party be considered until he shall have furnished said Committee with satisfactory evidence that he is a person regularly educated to the business, is qualified to perform the duties which he undertakes and, previous to being licensed by said Committee, said party shall file a bond in such sum as may be designated by said Committee, not less than five hundred dollars (\$500.), with two (2) or more sureties, conditioned that he will indemnify and save the borough harmless from all loss or damage that may be occasioned by reason of his neglect or carelessness, either during the progress of the work in his charge or for its insufficiency after completion; and conditional also that he will promptly, at the proper time and place, restore the street and pavement over trenches and openings made for the purpose of laying drains to as good condition as he found it, previous to commencing work. The repairing shall be done to the satisfaction of the Street Commissioner. Upon the completion of any connections or at the stated time, as may be

determined by the Secretary, he shall furnish a description of the work done on blanks prepared for that purpose.

#### **§ 135-4. Control of work; costs.**

The agent of the borough as such shall have control of the work that lies between the lines of the property and the sewer and, for the work within the limits prescribed, will be held liable for the amount of their bonds. The whole of the work within the streets and within the limits of the premises shall be done under the supervision of the Engineer's Department and subject to such rules, regulations and restrictions as may be established by that officer. The expenses incurred for making connections and having private drains will be borne by the person for whose use they are made or the connection is made.

#### **§ 135-5. Violations and penalties.**

Any person licensed to make connections with the sewers who shall be guilty of any violation of this Article or its provisions shall be immediately deprived of his license. If the connection with any sewer is made in violation of any provision of this Article or if used for purposes not specified therein, such violation shall constitute a summary offense and shall be punishable by a fine of not more than six hundred dollars (\$600.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment for not more than thirty (30) days.

#### **§ 135-6. Prohibited disposal.**

The additional charge for garbage grinders shall be as designated by Council pursuant to §1-16 herein.

#### **§ 135-7. Penalties for damage to system.**

Any person injuring, breaking or removing any portion of a catch basin, manhole, cover or any part of the sewer or appurtenances or obstructing in any manner the inlet or outlet of any sewer or drain shall be subject to the penalty stated in § 135-5.

### **§ 135-8. Prevention of solid matter into sewers.**

It shall be deemed unlawful for any person to use a private sewer or house connection with any of the public sewers without providing for all inlets suitable gratings to prevent the admission of rubbish or solid matter that may find its way to them and further, to fix appliances to trap the sewer gas and to prevent the escape into the building or areas.

### **§ 135-9. Providing sufficient water for flushing.**

When there shall have been provided a suitable and sufficient system or water supply for the borough, it shall be deemed unlawful for any person in possession of premises in which a pipe or other connections with a public sewer or drain has been laid for the carrying off of animal refuse from privy or water closet, slop from kitchen or for other purposes to allow the same to remain without good and perfect fixtures so as to allow a sufficiency of water to be applied so as to carry off such matter and to keep the same unobstructed. Each day the same is permitted to remain without such fixtures for supplying such water shall be deemed a distinct and separate offense, subject to the penalty stated in § 135-5.

### **§ 135-10. Disposition of fees and fines.**

All money received on sewer permits or for fines imposed under the sewer ordinance now in force shall be paid into the Borough Treasury.

### **§ 135-11. Inspection of sewers.**

All drain pipes for public sewers must be subject to the inspection of the Borough Secretary or Engineer, his assistant or any other authorized inspector connected with the department.

### **§ 135-12. Required drainage.**

No dwelling house, store or other building shall be erected or altered on any street or alley in which there is a sewer without providing an

underground connection by drain pipes for carrying off all drainage that would otherwise flow over the footway or sidewalk of the streets.

### **§ 135-13. Maintenance of inlet basins.**

It shall be the duty of the Street Commissioner, at stated times during each month (on sidehill streets after every rain), to inspect the sewer inlet basins and to have removed all silt and rubbish collected in and about these openings and at all times to keep the openings and inlets in a condition to receive the surface drainage and to retain the heavier matter carried to them.

### **§ 135-14. Rules for connections.**

The Borough Engineer shall establish such rules and regulations in reference to the construction of house connections not inconsistent with the provisions of this Article as, in his judgment, may be necessary.

### **§ 135-15. Pipe size.**

No drain from any building shall be connected with any sewer otherwise than by a drain pipe, which shall be six (6) inches in diameter, except it is authorized by the Sewer Committee.

### **§ 135-16. Notice of time of connection.**

Notice must be left at the office of the Borough Secretary by the person who is to make connection with the sewer or drain when such work shall be ready for inspection, previous to making such connection. This notice must be in handwriting and left between the hours of 8:00 a.m. and 5:00 p.m.

### **§ 135-17. Underground drain connections.**

All such establishments as taverns, eating houses, barbershops, livery stables, dyeing and scouring rooms and factories located on streets and alleys where sewers are laid shall be provided with underground drain connections



with sewers for the purpose of carrying off all water or liquids that would otherwise be discharged on the sidewalks or in the gutters of streets and alleys by the conductors or downspouts on the buildings or by pipes draining sinks or other receptacles of waste within the premises, and further, it shall be the duty of the Borough Secretary to give notice to all parties affected by this that failing to comply with the provisions set forth herein, they will be required to make such underground connection with the public sewer within thirty (30) days. Otherwise, they will be subject to the penalty stated in § 135-5

### **§135-18. Institution of prosecution.**

It shall be the duty of the Street Commissioner to make information before the District Justice against parties violating the provisions relating to the deposit of rubbish or store sweepings in the street or alley gutters or in the sewer inlets and also for the violation of §§ 1355 and 135-6 of this Article relating to the tapping and use of sewers.

## **ARTICLE II**

### **Discharge of Industrial Wastes**

### **§ 135-19. Definitions.**

Unless the context clearly requires otherwise, the following words and terms used in this Article shall have the following meanings:

**ABNORMAL INDUSTRIAL WASTE** — Any industrial waste having a suspended solid content of BOD (biochemical oxygen demand) appreciably in excess of that normally found in municipal sewage. For the purpose of this Article, any industrial waste containing more than two hundred seventy-five (275) parts per million of suspended solids or having a BOD in excess of two hundred fifty (250) parts per million shall be considered an "abnormal industrial waste," regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

**AUTHORITY** — The Greater Greensburg Sewage Authority, representing the City of Greensburg, and the Boroughs of South

Greensburg and Southwest Greensburg, Westmoreland County, Pennsylvania.

CITY — The City of Greensburg, Westmoreland County, Pennsylvania.

COMBINED SEWER — A sewer designed to receive both sewage and stormwater runoff which has been approved by the City or Borough Council for such purposes.

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

INDUSTRIAL WASTES — Any liquid, gaseous or waterborne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.

OCCUPIED BUILDING — Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be charged.

PERSON — Includes persons, partnerships, associations and corporations.

pH — The logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one (1) of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWAGE SYSTEM — Any real estate abutting on or adjoining any street of the borough in which is a combined sewer or a sanitary sewer of the public sanitary sewage system.

PROPERLY SHREDDED GARBAGE — The waste from the handling, storage and sale of produce that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( $1/2$ ) inch in any dimension.

**PUBLIC SANITARY SEWERAGE SYSTEM** — All sanitary sewers, all combined sewers, all sewage treatment works and all other facilities owned or operated by either the borough or the Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances and additions, extensions or improvements thereto. It shall also include sewers within the borough limits which serve one (1) or more persons and discharge into the public sanitary sewerage system, even though those sewers may not have been constructed by borough funds and are not owned or maintained by the borough. It does not include separate storm sewers or culverts which have been constructed-for the sole purpose-of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the Authority's sewage treatment facilities.

**SANITARY SEWAGE** — The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial and commercial establishments, exclusive of stormwater runoff, surface water or groundwater.

**SANITARY SEWER** — A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

**SEWAGE** — A combination of water-carried wastes from residences, business buildings, institutions and industrial and commercial establishments, together with such ground-, surface or storm water as may be present.

**SEWER** — A pipe or conduit for carrying sewage.

**STORM SEWER** — A sewer which is intended to carry stormwater runoff, surface water, groundwater, drainage or polluted industrial waste.

**SUSPENDED SOLIDS** — Solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids and which are removable by laboratory filtration. The quantity of "suspended solids" shall be determined by one (1) of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

UNPOLLUTED WATER OR WASTE — Any water or waste containing none of the following: free or emulsified greases or oil; acid or alkali; phenols or other substances imparting tastes and odor to receiving waters; toxic or poisonous substance in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain no more than ten thousand (10,000) parts per million by weight of dissolved solids, of which not more than two thousand five hundred (2,500) parts per million shall be as chloride, and not more than ten (10) parts per million each suspended solids and BOD. The color shall not exceed fifty (50) parts per million. Analyses for any of the above-mentioned shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

WATER COMPANY — The publicly or privately owned duly authorized agency, corporation or organization which is the approved surveyor of the public water supply within the limits of the borough.

### **§ 135-20. Admission of industrial wastes.**

The economy and desirability of the combined treatment of industrial waste and sanitary sewage is recognized. The treatment facilities which the Authority will cause to be constructed are of a type and design to permit reasonable flexibility in the treatment of various types of industrial wastes. In general, any and all industrial wastes may be discharged to the public sanitary sewerage system except those which are deemed harmful to the system or are specifically prohibited by this Article. However, it is also recognized that the treatment of abnormal industrial wastes may add to the cost of operating and maintaining the public sanitary sewerage system. Such additional cost shall be borne by the person or persons receiving the benefit of such treatment.

### **§ 135-21. Right to refuse certain wastes.**

The borough and/or the Authority reserves the right to refuse connection to the public sanitary sewerage system for deleterious industrial wastes or to compel discontinuance of the use of the system for such wastes or to require

pretreatment thereof in order to prevent harmful or adverse effect upon the system. The design, construction and operation of such pretreatment facilities shall be subject to the approval of the Authority and/or its authorized representative.

#### **§ 135-22. Harmful factors.**

In general, industrial waste will be considered harmful to the effects:

- A. A chemical reaction, either directly or indirectly, with the materials of construction of the public sanitary sewerage system in such a manner as to impair the strength or durability of the sewer structure.
- B. A mechanical action that will destroy the sewer structures.
- C. Restriction of the hydraulic capacity of the sewer structures.
- D. Restriction of the normal inspection or maintenance of the sewer structures.
- E. Danger to public health and safety.
- F. An obnoxious condition inimical to the public interest.

#### **§ 135-23. Manhole installation.**

When required by the borough and/or Authority, any person discharging to the public sanitary sewerage system industrial wastes or industrial wastes and sanitary sewage together shall install a suitable manhole or manholes on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Such a manhole or manholes shall be accessible and safely located and shall be constructed in accordance with plans approved by the Authority and/or its authorized representative. The manhole or manholes shall be installed by such person at his expense and shall be maintained by him so as to be safe and accessible to the borough and/or Authority and/or its authorized representative at all times. The construction and maintenance of such manholes shall be mandatory for the procedures of abnormal industrial wastes.

#### **§ 135-24. Prohibited excesses.**

The discharge of excessive amounts of unpolluted water or waste to a sanitary sewer is expressly prohibited. However, such discharge to combined sewers or storm sewers be permitted wherever such sewers are of adequate capacity. The borough and/or Authority reserves the right to define the amount it deems excessive in each

#### **§ 135-25. Shredding of garbage.**

The discharge of garbage to the public sanitary sewerage system is expressly prohibited unless the garbage is first properly shredded.

#### **§ 135-26. Prohibited wastes.**

No person shall discharge to the public sanitary sewerage system industrial wastes having any of the following characteristics:

- A. Wastes containing liquids, solids or gases which, by reason of their nature or quality, may cause fire or explosion or be in any other way injurious to persons, the structures of the public sanitary sewerage system or its operation.
- B. Wastes having a temperature in excess of one hundred fifty degrees Fahrenheit (150<sup>0</sup> F.) or less than thirty-two degrees Fahrenheit (32<sup>0</sup> F.).
- C. Wastes having a pH lower than five point five (5.5) or higher than nine point five (9.5) or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel of the public sanitary sewerage system. Where the borough and/or the Authority deem it advisable, it may require any person discharging industrial wastes to install and maintain at his own expense, in a manner provided by the Authority and/or its authorized representative, a suitable device to continuously measure the record of pH of the wastes so discharged.
- D. Wastes containing any noxious or malodorous gas or substance which, either singly or by interaction with sewage or other wastes,

is likely, in the opinion of the borough and/or Authority, to create a public nuisance or hazard to life or prevent entry to sewers for their maintenance and repair.

- E. Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or viscose material of such character or in such quantity as, in the opinion of the borough and/or Authority, may cause an obstruction of the proper operation of the public sanitary-sewerage system.
- F. Wastes containing insoluble non-flocculent substances having a specific gravity in excess of two point sixty-five (2.65).
- G. Wastes containing soluble substances in such concentration as to cause the specific gravity of the waste to be greater than one point one (1.1).
- H. Wastes containing any of the following substances in concentration exceeding those shown in the following table:

<b>Substance</b>	<b>Maximum Permissible Concentration (parts per million)</b>
Phenolic compound as $C_6H_5OH$	1
Cyanides as CN	1
Cyanates as CNO	10
Iron as Fe	15
Trivalent Chromium as Cr	3
Hexavalent Chromium as Cr	.5
Nickel as Ni	3
Copper as Cu	2
Lead as Pb	2
Tin as Sn	2

- I. Wastes containing more than one hundred (100) parts per million by weight of fat, oil or grease.
- J. Wastes containing more than ten (10) parts per million of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.
- K. Wastes containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
- L. Any wastes containing toxic substances in quantities sufficient to interfere with the biochemical processes of the sewerage treatment works or that will pass through the sewage treatment works and exceed the state requirements for the Monongahela River Watershed in Westmoreland County.
- M. Any waste containing toxic substances or radioactive isotopes

### **§ 135-27. Sewerage service charge.**

There is hereby imposed upon the owners of or the users of water in or on all properties situated within the corporate limits of the borough and served by the public sanitary sewerage system a service charge for the use of said system, payable as hereinafter provided in the amounts hereinafter provided. The service charges shall begin to accrue from and after January 1, 1963, and said owners and users shall be jointly and severally liable for the payment of the service charge and the penalty herein prescribed for delinquent payment thereof.

### **§ 135-28. Basis of service charge. [Amended 8-10-1981 by Ord. No. 81-14; 12-29-1982 by Ord. No. 82-15; 4-14-1986 by Ord. No. 86-7]**

- A. The service charge shall be based on the quantity of water used in or on said properties, as the same is measured by the water company's



meter or meters and there in use, and shall be charged at the following percentage rate. Sewage service charges shall be levied at the rate of sixty percent (60%) of those rates set by the water company under its water rate schedule issued and made effective January 1, 1986, or as said rates as set by the water company under its water rate schedule may thereafter be amended.

- B. The increased sewage service rate shall cover the entire time covered by the billing, and no proration shall be required.

### **§ 135-29. Method of billing.**

Owners and users will be billed quarterly for the service charge. The billing for the first two (2) months of each quarter may be an estimate based on the water usage shown by the water company's meter reading for the previous quarter. The last month's billing at each quarter will be computed on the actual water usage for the quarter, minus the previous two (2) months' estimated billings. All bills for service charges shall be due when rendered and shall be subject to a penalty of five percent (5%) if not paid within fifteen (15) days from the-date of the-bill.

### **§ 135-30. Method of measurement**

The measurement of two (2) or more meters of the quantity of water used in or on one (1) property by one (1) owner or user may be combined and the service charge billed to said owner or user as though the quantity of water was measured by one (1) meter, if the Authority so elects.

### **§ 135-31. Metering of water.**

In the event that the owner of or the user of water in or on any property served by the public sanitary sewerage system obtains parts or all of the water used in or on such property from sources other than the water company, such owner or user shall, upon demand of the borough or Authority, at no expense to the borough or Authority or water company, install and maintain a water meter or meters satisfactory to the borough or Authority and to the water company for measuring all water used other than that obtained from the water company, and the quantity of water used to

determine the service charge shall be the quantity of water measured by all such meters, plus the quantity of water obtained from the water company.

### **§ 135-32. Installation of additional meters.**

In the event that it is established to the satisfaction of the borough or Authority that a portion of the water used in or on any property served by the public sanitary sewerage system does not and cannot enter the system and in the event that the total water used in or on said property exceeds one hundred thousand (100,000) gallons per quarter, the borough or Authority may require or permit the installation of additional meters in such manner as to determine either the quantity of water excluded from the public sanitary sewerage or industrial waste actually entering the public sanitary sewerage system, exclusive of stormwater runoff. The service charge shall be based upon the quantity of water estimated, measured or computed by the borough or Authority to be actually entering the public sanitary sewerage system, exclusive of stormwater runoff, subject to the minimum charge set forth in § 135-28.

### **§ 135-33. Application for reduction of service charge.**

Any person requesting a reduction of the amount of the service charge because of water purchased which does not enter the public sanitary sewerage system shall make written application to the borough and Authority, giving the name of such person and his address and setting forth supporting data fully describing other sources of water, if any, as well as the disposition of water alleged not to be entering the public sanitary sewerage system. The application shall be accompanied by a titled sketch, eighteen by twenty-four (18 x 24) inches in dimension, to approximate scale showing the plan of the property, the water distribution system, sewer layout, existing meters and proposed meters in the scheme to determine the quantity of flow entering or not entering the public sanitary sewerage system. The cost of furnishing, installing and maintaining any meters other than those utilized to measure water purchased from the water company shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of the borough and/or the Authority.

#### **§ 135-34. Authorization for additional contracts.**

Nothing contained in this Article shall preclude the right of the borough or Authority from entering into contracts with neighboring municipalities for the treatment of their sewage pursuant to a schedule of fees differing from the service charges above set forth.

#### **§ 135-35. Charge for shredded garbage.**

Although the proposed sewage treatment works will be capable of treating properly shredded garbage, the actual treatment of the garbage will increase the cost of operating and maintaining the sewage treatment plant and the public sanitary sewage system. Therefore, there is hereby imposed upon each person discharging such garbage into the public sanitary system an additional charge which is intended to cover such additional cost. Such surcharge shall be in addition to the regular service charge set forth in § 135-28 and shall be payable as hereinafter provided in the amount hereinafter provided.

#### **§ 135-36. Charges for garbage grinders.**

The additional charge for garbage grinders shall be in accordance with the following schedule:

- A. Household garbage grinders. For each household garbage grinder in a private dwelling unit, forty cents (\$0.40).
- B. Other than household garbage grinders. For garbage grinders other than household grinders referred to in Subsection A of this section, five dollars (\$5.) per month per grinder of one (1) horsepower capacity, and a proportionately lower or higher charge per grinder of lesser or greater horsepower.

#### **§ 135-37. Billing of additional charges.**

The additional charges provided for in this Article will be added to the service charges. They will be billed monthly and shall be due at the same

time and shall be subject to the same penalty as set forth in § 135-29. No additional charge will begin to occur until the sewage treatment plant works are put into operation.

### **§ 135-38. Surcharge for industrial wastes.**

Although the proposed sewage treating works will be capable of treating certain abnormal industrial wastes, the actual treatment of such wastes will increase the cost of operation and maintaining the public sanitary sewerage system. Therefore, there is hereby imposed upon each person discharging such industrial wastes into the public sanitary sewage a surcharge or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to the regular service charge set forth in § 135-28 and shall be payable as hereinafter provided in the amount hereinafter provided.

### **§ 135-39. Basis for surcharge.**

The strength of any industrial wastes the discharge of which is to be subject to surcharge shall be determined monthly or more frequently from samples taken either at the manhole referred to in § 135-23 hereof or at any other sample point mutually agreed upon by the Authority and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of the Authority, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff. Samples shall be collected by a representative of the Authority or its representative in proportion to the flow of waste, exclusive of stormwater runoff, and composited for analysis in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage, as published by the American Public Health Association. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the Authority may, if it so elects, accept the results of routine sampling and analysis by the producer of such wastes in lieu of making its own sampling and analysis.

#### **§ 135-40. Formula for surcharge.**

- A. In the event that any industrial waste is found by the Authority or its authorized representative to have a BOD in excess of 250 parts per million, the producer of said waste shall be surcharged an amount equal to the product of the actual volume of waste in thousand gallons per billing period, exclusive of stormwater runoff, discharge to the public sanitary sewerage system, and the BOD surcharge rate shall be determined by the following formula:

$$Rc = 0.0083P (C-250)$$

Where:

Rc = The BOD surcharge rate in cents per 1,000 gallons of waste discharged.

= The average annual fixed, operating and maintenance cost of secondary treatment processes per pound of BOD received at the treatment works. Such secondary processes shall include chlorination as well as the activated sludge processes. [Prior to completion of the first year of operation, the value of P shall be assumed to be four cents (\$0.04).]

C = The average BOD of the industrial waste expressed in parts per million as determined in accordance with § 135-39.

- B. The figure "250" appearing in the above formula corresponds to the maximum BOD permissible without surcharge. The figure "0.0083" is the factor to convert parts per million to pounds per one thousand (1,000) gallons. No discount will be permitted for sewage or industrial wastes having a BOD less than two hundred fifty (250) parts per million.

#### **§ 135-41. Alternate formula.**

- A. In the event that any industrial waste is found by the Authority to have an average suspended solid concentration in excess of two hundred seventy-five (275) parts per million, the producer of such

waste shall be surcharged an amount equal to the product of the actual volume of waste in thousand gallons per billing period, exclusive of storm runoff discharged to the public sanitary sewerage system and the suspended solids surcharge rate. The suspended solids surcharge rate shall be determined by the following formula:

$$Rs = 0.00834 \times B (S-275)$$

Where:

Rs = The suspended solids surcharge rate in cents per one thousand (1,000) gallons of waste discharged.

B = The average annual fixed, operating and maintenance cost of the sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment works. [Prior to completion of the first year of operation, the value of B shall be assumed to be four cents (\$0.04).]

S = The average suspended solids concentration of the abnormal industrial waste expressed in parts per million as determined in accordance with § 135-39.

- B. The figure "275" appearing in the above formula corresponds to the maximum solid's concentration permissible without surcharge. The figure "0.00834" is the factor to convert parts per million to pounds per one thousand (1,000) gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration less than two hundred seventy-five (275) parts per million.

## **§ 135-42. Surcharge to be added to service charge.**

The surcharge provided for in this Article will be added to the service charge set forth in § 135-27. They will be billed monthly and shall be due at the same time and shall be subject to the same penalty as set forth in § 135-37. Notwithstanding the foregoing provisions, no surcharges will begin to accrue until after the sewage treatment works are put into operation.

### **§ 135-43. Method of payment.**

The service charge, additional charges and the surcharges, where applicable, provided for in this Article shall be payable in four (4) quarterly payments each year. The billing for the first two (2) months of each quarter may be an estimate equal to one-third ( $\frac{1}{3}$ ) of the service charge computed on the actual water usage for the quarter, minus the estimated billings for the first two (2) months of the quarter.

### **§ 135-44. Agreement for billing.**

The Authority, either directly or through any person whom it may by resolution appoint or with whom it may contract, will render such bills for the service charges, additional charges and surcharges imposed by this Article and will make collections thereof, in accordance with this Article and any agreement or agreements entered into between the water company and the Authority relating to such billing and collection.

### **§ 135-45. Delivery of charges.**

Bills and notices relating to the service charges, additional charges and surcharges will be mailed or delivered to the property owner's or user's last address as shown on the books of the water company, and neither the Authority nor the water company shall be otherwise responsible for delivery. No change of address will be honored unless and until such change shall have been furnished, in writing, to the Authority and the water company.

### **§ 135-46. Lien for charges.**

Each service charge, additional charge, surcharge and penalty imposed by this Article shall be a debt due the city or borough and shall be a lien on the property served; if not paid within thirty (30) days after the date of the bill, it shall be deemed delinquent. In such event, the city or borough may proceed to file the lien in the office of the Prothonotary of Westmoreland

County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims. In the event of failure to pay the service charge, additional charge, surcharge or penalty after they become delinquent as herein provided, the city, borough or Authority shall be authorized to remove or close the sewer connection and shall have the right to enter upon the property served for such purpose and to take such steps as may be necessary to accomplish such removal or closing, as well as the expense of restoring any such service shall likewise be a debt due the city or borough and a lien on the property served and may be filed and collected as hereinabove provided or such sewer connection shall not again be turned on or the sewage service restored until all service charges, additional charges, surcharges and penalties, including the expense of removal, closing and restoration, shall have been paid.

#### **§ 135-47. Notice of Violation.**

All persons violating any provision of this Article shall be deemed in violation of this Article. Notice of such violation shall be given personally or by means of the United States Mail, and if no action to correct the violation is taken within thirty (30) days of the date of such notice, the sewer connection may be removed or closed and reconnection will not be made until after correction of the violation has been accomplished. The expense of such removal or closing and the expense of restoring the sewage service shall be a debt due the city or borough and a lien upon the property served and may be filed and collected as provided in §135-46 hereof.

#### **§ 135-48. Rights of borough.**

Change of ownership or occupancy of any property served by the public sanitary sewerage system as to which the service charge, additional charge, surcharge or penalty imposed by this Article is delinquent, as provided in § 135-46 hereof, shall not be cause for reducing or eliminating the rights and remedies of the city or borough set forth.



## **ARTICLE III**

### **Sewer Connections**

#### **§ 135-49. Definitions and usage.**

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

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

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

#### **§ 135-50. Required connections.**

Every property in the Borough of South Greensburg adjoining or abutting upon any street or alley in which a public sanitary sewer is now or shall hereafter be located shall be connected with such sewer in such manner and within such time as the Borough of South Greensburg may order for the purpose of the discharge of all fecal matter, human excrement, kitchen and laundry waste and other sewage from such premises. All such sewage shall, after such connection, be conducted into such sanitary sewer. Such sewage shall not be conducted into any storm sewers. Every such property shall be connected separately and independently with the sewer through the house connection branch directly opposite the building or nearest in a downstream direction. Grouping of buildings upon one (1) house sewer shall not be permitted, except under special circumstances and for good sanitary reasons with special permission granted by the Borough Council upon recommendation of the Borough Engineer.

#### **§ 135-51. Time limit; connection by borough.**

If the owner of any property, after forty-five (45) days' notice from the borough to make connection of such property with a borough sewer, shall

fail to make such connection, the borough may make such connection and may collect the cost thereof from such owner by a municipal claim or in an action of assumpsit, as is provided by law.

**§ 135-52. Connection procedure; fees. [Amended 2-13-1984 by Ord. No. 84-7]**

No person shall make or cause to be made any connection of his property with any of the borough sewers until he has fulfilled all of the following conditions:

- A. He shall notify the Borough Council of his desire and intention to make such connection.
- B. He shall pay a sewer connection charge or tap fee, said sewer connection charge or tap fee to be based upon equivalent dwelling units (E.D.U.), and before any permit shall be issued, the applicant shall pay to the borough the fee as designated by Council pursuant to §1-16 herein, for each equivalent dwelling unit (E.D.U.).

(1) Definitions and fee schedule:

**NONRESIDENTIAL PROPERTY** — Any office, store, shop, motel, hotel, restaurant or other establishment selling a product or rendering a service and any religious, fraternal or government establishment and any industrial, warehousing or wholesale distributing establishment. Each nonresidential establishment in a building or complex of buildings shall be billed as a separate entity.

**RESIDENTIAL PROPERTY** — Any single-family dwelling, multiple-family dwelling, trailer or mobile home, apartment, townhouse or structure utilized solely for dwelling purposes. Each "residential property shall pay based upon the following schedule for equivalent dwelling units as set forth in this section.

- (2) Owners of residential and nonresidential property shall pay based upon the following schedule of equivalent dwelling units as set forth in this section:

<b>Property Classification</b>	<b>E.D.U.</b>
Single Family Dwelling	1
Two-family dwelling	2
Trailer on individual lot or in trailer court (which is defined as consisting of 2 or more trailers)	1 per trailer
Apartment building	1 per rental unit
Motel and hotel	1 per 2 rental units
Restaurant, club or tavern; supermarket	1 for each 1,000 square feet or part thereof under roof
Church	1 <sup>1/2</sup>
Service station, auto repairs, auto service or commercial garage, 2 bays or less	1 <sup>1/2</sup>
Each additional bay over 2	1 <sup>1/2</sup>
Barber and beauty shop:	
Attached to or forming part of owner's residence	1/2
Not attached to owner's residence	1 <sup>1/2</sup>
Commercial laundromat, per each 4 washing machines	1
Retail store, office, business or industry providing public or private toilet facilities	1 for each 4,000 square feet or part thereof under roof
Warehousing or wholesale distribution	1 for each 4,000 square feet or part thereof under roof
Retail store, office business or industry employing use or processing water or showers	1 for each 2,000 square feet or part thereof under roof

<b>Property Classification</b>	<b>E.D.U.</b>
Funeral home, attached to or forming a part of owner's residence	1/2
Not attached to owner's residence	1 <sup>1/2</sup>

School (public/private)	1 for each 4,000 square feet or part thereof under roof
User having a commercial ( $\frac{3}{4}$ horsepower or larger) garbage grinder	1 per each
Doctors and dentists' offices:	
Attached to or forming a part of owner's residence	$\frac{1}{2}$
Not attached to owner's residence	$1\frac{1}{2}$
Car wash business, 2 stalls or less	3
Each additional stall over 2	$1\frac{1}{2}$
Dairy or milk processing plant	8

- C. He shall have applied for and obtained from the Zoning Officer a permit to excavate in the street, in accordance with the borough ordinance regulating the same.
- D. He shall have given the Street Commissioner at least twenty-four (24) hours' notice of the time when such connection shall be made, in order that the Borough Engineer or Street Commissioner or his authorized agent can be present to supervise the work of connection.

### **§ 135-53. Performance of work.**

All work of making connections to any of the borough sewers shall be done under the personal supervision of the Borough Engineer or Street Commissioner or his authorized agent. All joints shall be sealed and made airtight and shall be made smooth and clean inside with all sewers in straight alignment and of proper grade so as to provide free flow of sewage matter without any obstructions and to be made in accordance with the borough's specification for its sanitary sewers. All work pertaining to the connection with the borough's sewers shall be, financially and otherwise, the responsibility of the owner of the property with which connection is made, subject to the right of supervision hereby reserved by the borough.

### **§ 136-54. Restrictions.**

No person shall connect or cause to be connected with any of the public sanitary sewers in the borough, directly or indirectly, any stormwater sewers, stream exhaust, boiler blow off, sediment drip or any pipe carrying or constructed to carry hot water or acid, germicide, grease, brewery mash, gasoline, naphtha, benzine, oil or any other substance detrimental to the sewers or to the operation of the sewerage system of the sewage disposal works of the borough. Any other restrictions imposed by the Greater Greensburg Sewage Authority relating to the transporting, treating and disposing of sanitary sewage which affects the sanitary sewerage system herein described are incorporated herewith and made a part of this Article.

### **§ 135-55. Prohibited connections.**

No privy vault, cesspool or similar receptacle for human excrement shall at any time, now or hereafter, be connected with any of the borough sewers.

### **§ 135-56. Cleaning of cesspools.**

No privy vault, cesspool or similar receptacle for human excrement shall hereafter be maintained upon any premises from which connection with any of the borough sewers shall have been made. Every such privy vault, cesspool or other receptacle shall, within thirty (30) days after final enactment of this Article in the case of premises now connected with a sewer and within thirty (30) days after connection with a sewer in the case of premises hereafter so connected, be abandoned, cleansed and filled under the direction and supervision of the Borough Engineer or Street Commissioner. Any such privy vault, cesspool or other receptacle not abandoned, cleansed and filled as required by this section shall constitute a nuisance, and such nuisance may be abated as provided by law at the expense of the owner of such property.

### **§ 135-57. Violations and penalties.**

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

thirty (30) days. Each day's continuance of a violation, after notice thereof by Borough Council, shall constitute a separate offense.

## **ARTICLE IV**

### **Cost of Installations**

#### **§ 135-58. Cost of installation on owner's property.**

The entire cost of installation of a new line or repair or maintenance of an existing line up to its connection with the sewer line shall be absorbed entirely by the property owner. The Street Commissioner shall designate the point on the edge of public roadway or street to which said sewer line shall be placed.

#### **§ 135-59. Connection regulations.**

No person shall make or cause to be made any connection of his property with any of the borough sewers or cause or make any repairs or maintenance affecting the borough sewer until he has fulfilled all of the following conditions:

- A. He shall notify the Borough Council of his desire and intention to make such connection or to make such repairs and/or maintenance.
- B. He shall pay the sewer connection fee in accordance with ordinances of the Borough of South Greensburg, which shall be payable to the Borough Secretary for the use of the borough.
- C. He shall have applied for and obtained a permit to excavate in the street, in accordance with the borough ordinances regulating the same.
- D. He shall have given the Borough Secretary at least twenty-four (24) hours' notice of the time when such connection shall be made or repairs or maintenance shall be made, in order that the Street Commissioner or his authorized agent can be present to supervise the work of connection or repair or maintenance.

### **§ 135-60. Assessment of costs.**

The cost of said construction and/or maintenance or repair shall be assessed to and collected from the owners of property adjacent to or abutting upon said improvement or from owners of property receiving benefits of said improvements in accordance with the formula herein established, by an equal assessment of the feet-front to be estimated by the Street Commissioner on the foot-front rule, and he shall certify the same, in writing, showing the date of completion of said improvement, the names of the abutting landowners and the benefiting landowners, the assessable feet frontage of each and the amount of the assessment against each parcel of land and shall file the same with the Borough Secretary; and the Secretary shall present the same for approval at the next meeting of Council; and upon approval of Council, the same shall be certified by the Mayor or President and Secretary under the Borough Seal.

### **§ 135-61. Method of installation.**

All work of making connections to any of the borough sewers or any repairs and/or maintenance affecting the borough sewers shall be done under the supervision of the Street Commissioner or his authorized agent and shall conform to the following requirements:

- A. All sewer connections shall be made at the place where the "Y" in the borough sewer is provided, but if no "Y" is provided in the borough sewer, then the property owner making such connection shall, at his expense, put in the "Y" in making such connection.
- B. All joints shall be sealed and made airtight and shall be made smooth and clean inside with all sewers in straight alignment and of proper grade so as to provide free flow of sewage matter without any obstructions and to be made in accordance with the borough's specification for its sanitary sewers.
- C. All work pertaining to the connection with the borough's sewers shall be, financially and otherwise, the responsibility of the owner of the property with which connection is made, subject to the right of supervision hereby reserved by the borough, except that the borough agrees to pay fifty percent (50%) of the cost of construction or maintenance of the sewer line from any location under a public

street or roadway to the edge of said public street or roadway as provided herein.

**Part 2**  
**Wastewater Pretreatment Standards**  
**[Adopted 3-8-1993 as Ord. No. 93-2]**

**ARTICLE V**  
**General Provisions**

**§ 135-62. Purpose and policy; objectives.**

- A. This Part 2 sets forth uniform requirements for users of the publicly owned treatment works operated by the Greater Greensburg Sewage Authority and enables the Greater Greensburg Sewage Authority to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403).
- B. The objectives of this Part 2 are to:
  - (1) Prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
  - (2) Prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters or otherwise be incompatible with the publicly owned treatment works.
  - (3) Protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
  - (4) Promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.
  - (5) Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works.



- (6) Enable the Greater Greensburg Sewage Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.
- C. This Part 2 shall apply to all users of the publicly owned treatment works. The Part 2 authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

### **§ 135-63. Administration.**

Except as otherwise provided herein, the manager of the Greater Greensburg Sewage Authority shall administer, implement and enforce the provisions of this Part 2. Any powers granted to or duties imposed upon the manager may be delegated by the manager to other Greater Greensburg Sewage Authority personnel.

### **§ 135-64. Abbreviations.**

The following abbreviations, when used in this Part 2, shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	United States Environmental Protection Agency
gpd	Gallons per day
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
TSS	Total suspended solids
U.S.C.	United States Code

## **§ 135-65. Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part 2, shall have the meanings hereinafter designated:

ACT or THE ACT— The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. 1251 et seq.

APPROVAL AUTHORITY — The Department of Environmental Resources of the Commonwealth of Pennsylvania.

AUTHORIZED REPRESENTATIVE OF THE USER:

A. If the user is a corporation:

- (1) The President, Secretary, Treasurer or a Vice-President of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (2) The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

C. If the user is a federal, state or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee.

D. The individuals described in Subsections A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Greater Greensburg Sewage Authority.

**BIOCHEMICAL OXYGEN DEMAND or BOD**— The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20<sup>0</sup> C.), usually expressed as a concentration (e.g., mg/l).

**CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**ENVIRONMENTAL PROTECTION AGENCY or EPA** — The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

**EXISTING SOURCE**— Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**GRAB SAMPLE** — A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

**GREATER GREENSBURG SEWAGE AUTHORITY** — See Chapter 42, Sewage Authority.

**INDIRECT DISCHARGE or DISCHARGE** — The introduction of pollutants into the POTW from any nondomestic sources regulated under Section 307(b), (c) or (d) of the Act.

**INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT** — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**INTERFERENCE** — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and therefore is a cause of a violation of the Greater

Greensburg Sewage Authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the "Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

**MANAGER** — The person designated by the Greater Greensburg Sewage Authority to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part 2, or a duly authorized representative.

**MEDICAL WASTE** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**NEW SOURCE:**

- A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent,

factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection A (2) or (3) above but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of a "new source," as defined under this subsection has commenced if the owner or operator has:
  - (1) Begun or caused to begin, as part of a continuous on-site construction program:
    - (a) Any placement, assembly or installation of facilities or equipment; or
    - (b) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

**NONCONTACT COOLING WATER**— Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

**PASS-THROUGH** — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause

of a violation of any requirement of the Greater Greensburg Sewage Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON** — Any individual, partnership, copartner ship, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

**pH** — A measure of the acidity or alkalinity of a solution, expressed in standard units.

**POLLUTANT** — Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

**PRETREATMENT**— The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**PRETREATMENT REQUIREMENTS** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**PRETREATMENT STANDARDS or STANDARDS** — Prohibited discharge standards, Categorical Pretreatment Standards and local limits.

**PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES** — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 135-66 of this Part 2.

**PUBLICLY OWNED TREATMENT WORKS or POTW** — A treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Greater Greensburg Sewage Authority. This

definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

**SEPTIC TANK WASTE**— Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

**SEWAGE** — Human excrement and gray water (household showers, dishwashing operations, etc.).

**SIGNIFICANT INDUSTRIAL USER:**

- A. A user subject to Categorical Pretreatment Standards; or
- B. A user that:
  - (1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (3) Is designated as such by the Greater Greensburg Sewage Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a user meeting the criteria in Subsection B has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Greater Greensburg Sewage Authority may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**SLUG LOAD or SLUG** — Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 135-66 of this Part 2.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE** — A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

**STORMWATER**— Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

**SUSPENDED SOLIDS**— The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid, and which is removable by laboratory filtering.

**USER or INDUSTRIAL USER**— A source of indirect discharge.

**WASTEWATER**— Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

**WASTEWATER TREATMENT PLANT or TREATMENT PLANT** — That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

## **ARTICLE VI**

### **General Sewer Use Requirements**

#### **§ 135-66. Prohibited discharge standards.**

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to Categorical Pretreatment Standards or another national, state or local pretreatment standards or requirements.
- B. Specific prohibitions.
  - (1) No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:



- (a) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140<sup>0</sup> F.) [sixty degrees centigrade (60<sup>0</sup> C.)] using the test methods specified in 40 CFR 261.21.
- (b) Wastewater having a pH less than five point zero (5.0) or otherwise causing corrosive structural damage to the POTW or equipment.
- (c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (e) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104<sup>0</sup> F.) [forty degrees centigrade (40<sup>0</sup> C.)].
- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
- (g) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (h) Trucked or hauled pollutants, except at discharge points designated by the manager in accordance with § 135-73.
- (i) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

- (j) Wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Greater Greensburg Sewage Authority's NPDES permit.
- (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- (l) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the manager.
- (m) Sludges, screenings or other residues from the pretreatment of industrial wastes.
- (n) Medical wastes, except as specifically authorized by the manager in a wastewater discharge permit.
- (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (p) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
- (2) Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW

C. Local limits. [**Added 9-11-1995 by Ord. No. 95-4**]

- (1) The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following (twenty-four-hour average discharge):

0.1097 mg/l arsenic

0.0148 mg/l cadmium

1.9242 mg/l chromium

0.7559 mg/l copper

1.3434 mg/l cyanide

0.0319 mg/l lead

<0.0000 mg/l mercury

0.3583 mg/l nickel

0.1887 mg/l silver

0.4327 mg/l total phenols

1.5564 mg/l zinc

- (2) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Authority Manager may impose mass limitations in addition to or in place of the concentration-based limitations above.

- D. The Authority reserves the right to establish in wastewater discharge permits more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 135-62 of this Part 2 or the general and specific prohibitions in § 135-66 of this Part 2.

### **§ 135-67. National Categorical Pretreatment Standards.**

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated.

- A. Where a Categorical Pretreatment Standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the manager shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its

discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

#### **§ 135-68. Borough's right of revision.**

The borough reserves the right to establish, by ordinance, and Greater Greensburg Sewage Authority reserves the right to establish by wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

#### **§ 135-69. Dilution.**

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

### **ARTICLE VII**

#### **Pretreatment of Wastewater**

#### **§ 135-70. Pretreatment required.**

Users shall provide wastewater treatment as necessary to comply with this Part 2 and shall achieve compliance with all Categorical Pretreatment Standards, local limits and the prohibitions set out in § 135-66 of this Part 2 within the time limitations specified by the EPA, the state or the manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the manager for review and shall be acceptable to the manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Greater Greensburg Sewage Authority under the provisions of this Part 2.

### **§ 135-71. Additional pretreatment measures.**

- A. Whenever deemed necessary, the manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part 2.
- B. The manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil and sand interceptors shall be provided when, in the opinion of the manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **§ 135-72. Accidental discharge/slug control plans.**

At least once every two (2) years, the manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The manager may require any user to develop, submit for approval and implement such a plan. Alternatively, the manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges.
- B. Description of stored chemicals.

- C. Procedures for immediately notifying the manager of any accidental or slug discharge, as required by § 135-94 of this Part 2.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### **§ 135-73. Hauled wastewater.**

- A. Septic tank waste may be introduced into the POTW only at locations designated by the manager and at such times as are established by the manager. Such waste shall not violate Article VI of this Part 2 or any other requirements established by the Greater Greensburg Sewage Authority. The manager may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The manager shall require haulers of industrial waste to obtain wastewater discharge permits. The manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part 2.
- C. Industrial waste haulers may discharge loads only at locations designated by the manager. No load may be discharged without prior consent of the manager. The manager may collect samples of each hauled load to ensure compliance with applicable standards. The manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

## **ARTICLE VIII**

### **Wastewater Discharge Permit**

#### **§ 135-74. Wastewater analysis.**

When requested by the manager, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

#### **§ 135-75. Wastewater discharge permit required.**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the manager, except that a significant industrial user that has filed a timely application pursuant to § 135-76 of this Part 2 may continue to discharge for the time period specified therein.
- B. The manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part 2.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part 2 and subjects the wastewater discharge permittee to the sanctions set out in Articles XIV through XVI of this Part 2. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of federal, state and local law.

#### **§ 135-76. Existing connections.**

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part 2 and who wishes to continue such discharges in the future shall, within sixty (60) days after said date, apply to the manager for a wastewater discharge permit in accordance with § 135-78 of this Part 2 and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this Part 2 except in accordance with a wastewater discharge permit issued by the manager.

### **§ 135-77. New connections.**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 135-78 of this Part 2 must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

### **§ 135-78. Application contents.**

- A. All users required to obtain a wastewater discharge permit must submit a permit application. The manager may require all users to submit as part of an application the following information:
  - (1) All information required by § 135-89B of this Part 2.
  - (2) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW.
  - (3) Number and type of employees, hours of operation and proposed or actual hours of operation.
  - (4) Each product produced by type, amount, process or processes and rate of production.
  - (5) Type and amount of raw materials processed (average and maximum per day).
  - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge.
  - (7) Time and duration of discharges.
  - (8) Any other information as may be deemed necessary by the manager to evaluate the wastewater discharge permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.



### **§ 135-79. Application signatories and certification.**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **§ 135-80. Wastewater discharge permit decisions.**

The manager will evaluate the data furnished by the user and may require additional information. Within twenty (20) days of receipt of a complete wastewater discharge permit application, the manager will determine whether or not to issue a wastewater discharge permit. The manager may deny any application for a wastewater discharge permit.

## **ARTICLE IX**

### **Wastewater Discharge Permit Issuance Process**

### **§ 135-81. Duration of permit.**

A wastewater discharge permit shall be issued for a specific time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

### **§ 135-82. Permit contents.**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the manager to prevent pass-through or interference, to protect the quality of the water body receiving the treatment plant's effluent, to protect worker health and safety, to facilitate sludge management and disposal and to protect against damage to the POTW.

A. Wastewater discharge permits must contain the following:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed two (2) years.
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Greater Greensburg Sewage Authority in accordance with § 135-85 of this Part 2, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (3) Effluent limits based on applicable pretreatment standards.
- (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization.
- (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
- (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit.
- (8) Other conditions as deemed appropriate by the manager to ensure compliance with this Part 2 and state and federal laws, rules and regulations.

### **§ 135-83. Appeals.**

The manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the manager to reconsider the terms of a wastewater discharge permit within ten (10) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the manager fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a

complaint with the Court of Common Pleas for Westmoreland County, Pennsylvania, within thirty (30) days.

#### **§ 135-84. Permit modification.**

The manager may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

- A. To incorporate any new or revised Federal, State or Local Pretreatment Standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the Greater Greensburg Sewage Authority's POTW, personnel of the city or the Greater Greensburg Sewage Authority, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### **§ 135-85. Permit transfer.**

- A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days' advance notice to the manager and the manager approves the wastewater

discharge permit transfer. The notice to the manager must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

### **§ 135-86. Revocation.**

A. The manager may revoke a wastewater discharge permit for good cause, including but not limited to the following reasons:

- (1) Failure to notify the manager of significant changes to the wastewater prior to the changed discharge.
- (2) Failure to provide prior notification to the manager of changed conditions pursuant to § 135-93 of this Part 2.
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- (4) Falsifying self-monitoring reports.
- (5) Tampering with monitoring equipment.
- (6) Refusing to allow the manager timely access to the facility premises and records.
- (7) Failure to meet effluent limitations.
- (8) Failure to pay fines.
- (9) Failure to pay sewer charges.
- (10) Failure to meet compliance schedules.
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part 2.

- B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

### **§ 135-87. Permit reissuance.**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 135-78 of this Part 2, a minimum of thirty (30) days prior to the expiration of the user's existing wastewater discharge permit.

### **§ 135-88. Regulation of waste received from other jurisdictions.**

It is the intention of the Borough of South Greensburg to enter into an intermunicipal agreement with the City of Greensburg, the Borough of Southwest Greensburg and Hempfield Township and the Hempfield Township Municipal Authority and the Greater Greensburg Sewage Authority for the proper regulation and enforcement of discharges to the POTW of the Greater Greensburg Sewage Authority.

## **ARTICLE X**

### **Reporting Requirements**

### **§ 135-89. Baseline monitoring reports.**

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the manager a report which contains the information listed in Subsection B below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the manager a report which contains the information

listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

- (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental permits. A list of any environmental control permits held by or for the facility.
- (3) Description of operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
- (5) Measurement of pollutants.
  - (a) The Categorical Pretreatment Standards applicable to each regulated process.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 135-98 of this Part 2.
  - (c) Sampling must be performed in accordance with procedures set out in § 135-99 of this Part 2.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a

consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 135-90 of this Part 2.
- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 135-79 of this Part 2.

### **§ 135-90. Compliance schedule progress reports.**

The following conditions shall apply to the compliance schedule required by § 135-89B (7) of this Part 2:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include but are not limited to hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation).
- B. No increment referred to above shall exceed nine (9) months.
- C. The user shall submit a progress report to the manager no later than fourteen (14) days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.
- D. In no event shall more than nine (9) months elapse between such progress reports to the manager.



## **§ 135-91. Reports on compliance with Categorical Pretreatment Standard deadline.**

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the manager a report containing the information described in § 135-89B (4) through (6) of this Part 2. For user's subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other user's subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 135-79 of this Part 2.

## **§ 135-92. Periodic compliance reports.**

- A. All significant industrial users shall, at a frequency determined by the manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 135-79 of this Part 2.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the manager, using the procedures prescribed in § 135-99 of this Part 2, the results of this monitoring shall be included in the report.

### **§ 135-93. Reports of changed conditions.**

Each user must notify the manager of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

- A. The manager may require the user to submit such information as may be deemed necessary to evaluate the change condition, including the submission of a wastewater discharge permit application under § 135-78 of this Part 2.
- B. The manager may issue a wastewater discharge permit under § 135-80 of this Part 2 or modify an existing wastewater discharge permit under § 135-84 of this Part 2 in response to changed conditions or anticipated change conditions.
- C. For purposes of this requirement, significant changes include but are not limited to flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

### **§ 135-94. Reports of potential problems.**

- A. In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW or natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Part 2.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event

of a discharge described in Subsection A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

**§ 135-95. Reports from unpermitted users.**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the manager as the manager may require.

**§ 135-96. Notice of violation/repeat sampling and reporting.**

If sampling performed by a user indicates a violation, the user must notify the manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if the manager monitors at the user's facility at least once a month or if the manager samples between the user's initial sampling and when the user receives the results of this sampling.

**§ 135-97. Notification of the discharge of hazardous waste.**

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place

no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 135-93 of this Part 2. The notification requirement in this section does not apply to pollutants already reported by user's subject to Categorical Pretreatment Standards under the self-monitoring requirements of §§ 135-89, 135-91 and 135-92 of this Part 2.

- B. Dischargers are exempt from the requirements of Subsection A above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the manager, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part 2, a permit issued thereunder or any applicable federal or state law.

### **§ 135-98. Analytical requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136,

unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

#### **§ 135-99. Sample collection.**

- A. Except as indicated in Subsection B below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

#### **§ 135-100. Timing.**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

#### **§ 135-101. Recordkeeping.**

Users subject to the reporting requirements of this Part 2 shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Part 2 and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user

or the Greater Greensburg Sewage Authority or where the user has been specifically notified of a longer retention period by the manager.

## **ARTICLE XI**

### **Compliance Monitoring**

#### **§ 135-102. Right of entry.**

The manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part 2 and any wastewater discharge permit or order issued hereunder. Users shall allow the manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copy, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The manager shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least every six (6) months to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or samples shall be promptly removed by the user at the written or verbal request of the manager and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the manager access to the user's premises shall be a violation of this Part 2.

### **§ 135-103. Search warrants.**

If the manager has been refused access to a building, structure or property or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this Part 2 or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Greater Greensburg Sewage Authority designed to verify compliance with this Part 2 or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then the manager may seek issuance of a search warrant from the Justice of the Peace having jurisdiction of the City of Greensburg or from the Court of Common Pleas of Westmoreland County, Pennsylvania.

## **ARTICLE XII**

### **Confidential Information**

### **§ 135-104. Trade secrets.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and the manager's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the manager, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

## **ARTICLE XIII**

### **Publication of Users in Significant Noncompliance**

#### **§ 135-105. Annual publication.**

The manager shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which during the previous twelve (12) months were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria [one and four-tenths (1.4) for BOD, TSS, fats, oils and grease, and one and two-tenths (1.2) for all other pollutants except pH].
- C. Any other discharge violation that the manager believes has caused, along or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the manager's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.
- F. Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines,



periodic self-monitoring reports and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation(s) which the manager determines will adversely affect the operation or implementation of the local pretreatment program.

## **ARTICLE XIV**

### **Administrative Enforcement Remedies**

#### **§ 135-106. Notification of violation.**

When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager may serve upon that user a written notice of violation. Within three (3) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

#### **§ 135-107. Consent orders.**

The manager may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 135-109 and 135-110 of this Part 2 and shall be judicially enforceable.

### **§ 135-108. Show cause hearing.**

The manager may order a user which has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against or prerequisite for taking any other action against the user.

### **§ 135-109. Compliance orders.**

When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against or a prerequisite for taking any other action against the user.

### **§ 135-110. Cease and desist orders.**

- A. If the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the manager may

issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
  - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- B. Issuance of a cease and desist order shall not be a bar against or a prerequisite for taking any other action against the user.

### **§ 135-111. Administrative fines.**

- A. When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager may fine such user in an amount not to exceed twenty-five thousand dollars (\$25,000.). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.
- C. Users desiring to dispute such fines must file a written request for the manager to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. Where a request has merit, the manager may convene a hearing on the matter. In the event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against the user.

## **§ 135-112. Emergency suspensions.**

- A. The manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The manager may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.
- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the manager that the period of endangerment has passed, unless the termination proceedings in § 135-113 of this Part 2 are initiated against the user.
  - (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the manager prior to the date of any show cause or termination hearing under §§ 135-108 or 135-113 of this Part 2.
- B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

## **§ 135-113. Termination of discharge.**

- A. In addition to the provisions in § 135-86 of this Part 2, any user who violates the following conditions is subject to discharge termination:
- (1) Violation of wastewater discharge permit conditions.

- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
  - (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
  - (5) Violation of the pretreatment standards in Article VI of this Part 2.
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 135-108 of this Part 2 why the proposed action should not be taken. Exercise of this option by the manager shall not be a bar to or a prerequisite for taking any other action against the user.

## **ARTICLE XV**

### **Judicial Enforcement Remedies**

#### **§ 135-114. Injunctive relief.**

When the manager finds that a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the manager may petition the Court of Common Pleas of Westmoreland County, Pennsylvania, through the Solicitor of the Greater Greensburg Sewage Authority, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this Part 2 on activities of the user. The manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

#### **§ 135-115. Civil penalties.**

- A. A user who has violated or continues to violate any provisions of this Part 2, a wastewater discharge permit or order issued hereunder

or any other pretreatment standard or requirement may be liable to the Greater Greensburg Sewage Authority for a maximum civil penalty of twenty-five thousand dollars (\$25,000.) for a violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- B. The manager may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Greater Greensburg Sewage Authority.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against a user.

### **§ 135-116. Criminal prosecution; violations and penalties.**

- A. A user who willfully or negligently violates any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty-five thousand dollars (\$25,000.) per violation, per day, or imprisonment for not more than two (2) years, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than five thousand dollars (\$5,000.), or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Part 2 wastewater discharge permit or order issued hereunder, or

who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 2 shall, upon conviction, be punished by a fine of not more than three hundred dollars (\$300.) per violation, per day.

- D. In the event of a second conviction, a user shall be punished by a fine or imprisonment up to the maximum allowable by the laws of the Commonwealth of Pennsylvania based on the sentencing guidelines adopted by the Commonwealth of Pennsylvania.

### **§ 135-117. Remedies nonexclusive.**

The remedies provided for in this Part 2 are not exclusive. The manager may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Greater Greensburg Sewage Authority's enforcement response plan. However, the manager may take other action against any use when the circumstances warrant. Further, the manager is empowered to take more than one (1) enforcement action against any noncompliant user.

## **ARTICLE XVI**

### **Supplemental Enforcement Action**

### **§ 135-118. Performance bonds.**

The manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part 2, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the Greater Greensburg Sewage Authority, in a sum not to exceed a value determined by the manager to be necessary to achieve consistent compliance.

### **§ 135-119. Liability insurance.**

The manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part 2, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

#### **§ 135-120. Water supply severance.**

Whenever a user has violated or continues to violate any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

#### **§ 135-121. Public nuisances.**

A violation of any provision of this Part 2, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the manager. Any person(s) creating a public nuisance shall be subject to the provisions of the laws of the Commonwealth of Pennsylvania governing such nuisances.

### **ARTICLE XVII**

#### **Affirmative Defenses to Discharge Violations**

#### **§ 135-122. Upset.**

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.



- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Subsection C below are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
  - (1) An upset occurred and the user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The user has submitted the following information to the manager within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    - (a) A description of the indirect discharge and cause of noncompliance.
    - (b) The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue.
    - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

### **§ 135-123. Prohibited discharge standards.**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 135-66A of this Part 2 or the specific prohibitions in § 135-66B(1)(c) through (p) of this Part 2 if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass-through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Greater Greensburg Sewage Authority was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### **§ 135-124. Bypass.**

- A. For the purposes of this section:
  - (1) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections C and D of this section.
- C. Notice requirements.
  - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the manager at least ten (10) days before the date of the bypass, if possible.

- (2) A user shall submit oral notice to the manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Exceptions.

- (1) Bypass is prohibited, and the manager may take an enforcement action against a user for a bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.); and
  - (c) The user submitted notices as required under Subsection C of this section.
- (2) The manager may approve an anticipated bypass, after considering its adverse effects, if the manager determines that it will meet the three (3) conditions listed in Subsection D(1) of this section.

## **ARTICLE XVIII**

### **Miscellaneous Provisions**

#### **§ 135-125. Pretreatment charges and fees.**

The Greater Greensburg Sewage Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Greater Greensburg Sewage Authority's Pretreatment Program, which may include the following:

- A. Fees for wastewater discharge permit applications, including the cost of processing such applications.
- B. Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the Greater Greensburg Sewage Authority may deem necessary to carry out the requirements contained herein. These fees are related solely to the matters covered by this Part 2 and are separate from all other fees, fines and penalties chargeable by the Greater Greensburg Sewage Authority.

## **Chapter 138**

### **SMOKE AND HEAT DETECTORS**

- § 138-1. Title.**
- § 138-2. Definitions.**
- § 138-3. Detectors required in certain buildings.**
- § 138-4. Adoption of standards.**
- § 138-5. Installation standards.**
- § 138-6. Submission of plans required for building permit.**
- § 138-7. Approval of equipment.**
- § 138-8. Testing of equipment.**
- § 138-9. Existing installations.**
- § 138-10. Compliance required.**
- § 138-11. Violations and penalties.**
- § 138-12. Existing legislation.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 4-8-1985 as Ord. No. 85-8. Sections 138-4 and 138-11 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.**

**Heating equipment — See Ch. 97.**

- § 138-1. Title.**

This chapter shall be known as the "South Greensburg Borough Smoke and Heat Detector Ordinance."

## **§ 138-2. Definitions.**

The following terms, whenever used in this chapter, shall have the meanings indicated in this section except where the context indicates a different meaning.

**APARTMENT BUILDING** — A building used and occupied by three (3) or more families living independently of each other, each occupying a separate and distinct family living unit. For purposes of this chapter, "apartment building" shall include a building devoted to residential use and consisting of three (3) or more guest rooms, suites of rooms or dwelling units which are occupied more or less permanently, wherein the occupants are furnished so-called hotel services, including dining room and maid service.

**BUSINESS AND COMMERCIAL ESTABLISHMENTS** — Includes, without limitation, stores, malls, offices, office buildings, indoor recreational areas, industrial facilities, warehouses and machine shops. **[Added 6-1-1987 by Ord. No. 87-8]**

**FAMILY LIVING UNIT** — That structure, area or room or combination of rooms in one (1) of the defined types of buildings in which a family or individual lives. For the purposes of this chapter, "family living unit" shall include only living areas and not common usage areas in buildings containing three (3) or more family living units, such as corridors, lobbies and basements.

**HEAT DETECTOR** — A device which detects abnormally high temperatures or rate of temperature rise.

**HOTEL** — A building in which primarily temporary lodging is provided and offered to the public for compensation in which ingress and egress to and from rooms is made from a common area which may include a lobby or reception area, and for purposes of this chapter shall include boardinghouses, lodging houses or rooming housing containing three (3) or more separate and distinct sleeping rooms.

**MOTEL** — A building in which lodging is provided and offered to the transient public for compensation in which ingress and egress to and from rooms may be made either through a common area or from the exterior.

**PLACE OF PUBLIC ASSEMBLY** — A room, space or structure 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. **[Added 6-1-1987 by Ord. No. 87-8]**

**RENTAL PROPERTY** - A single, two, or multiple family dwelling or any portion thereof converted from owner occupied to, or is being used as a dwelling by any number of persons who do not own the property but pay rent. **[Added 9-10-2001 by Ord. No. 2001-02.]**

**ROW DWELLING** — A multiple-family dwelling of more than two (2) living units divided by party walls into distinct and noncommunicating units, each dwelling unit of which has direct access to the outside through separate exterior entrance doors, commonly referred to as a "townhouse."

**SEPARATE SLEEPING AREAS** — The area or areas of the family unit in which the bedrooms (or sleeping rooms) are located. For purposes of this chapter, bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms, but not bathrooms, shall be considered as "separate sleeping areas" for the purposes of this chapter.

**SLEEPING ROOM** — That area of an apartment building or hotel offered to the public for compensation on a temporary or permanent basis, to be occupied exclusively by the paying customer or tenant.

**SMOKE DETECTOR** — A device which detects the visible and invisible particles of combustion and causes an alarm to be sounded upon detection.

**§ 138-3. Detectors required in certain buildings. [Amended 6-8-1987 by Ord. No. 87-8, amended 9-10-2001 by Ord. No. 2001-02, amended 4-11-2005 by Ord. No. 2005-08.]**

- A. All newly constructed single and multi-family dwellings; row houses; townhouses; apartment buildings; hotels and motels, rental properties, business, commercial and industrial establishments; places of public assembly; warehouses; schools; hospitals; assisted living facilities, personal care homes, and nursing homes shall be equipped with smoke and/or heat detectors as hereinafter provided.
- B. All existing buildings, as enumerated above in Subsection A, which are renovated, altered or converted after the effective date of this chapter, shall be equipped with smoke and/or heat detectors as hereinafter provided.
- C. All hotels and motels presently existing shall be equipped with smoke and/or heat detectors as hereinafter provided.
- D. All rental property as defined in § 138-2 shall be equipped with a household fire warning system or a local protective premise signaling system as described in the International Fire Code as provided for in the Uniform Construction Code and after plan review and approval of the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) as hereinafter provided.

**§ 138-4. Adoption of standards. [Amended 6-8-1987 by Ord. No. 87-8, amended 4-11-2005 by Ord. No. 2005-08.]**

There is hereby adopted by the Borough of South Greensburg, for the purpose of prescribing regulations governing the standards of quality and quality of smoke and/or heat detectors, standards for systems for the monitoring of such detectors, standards for location of such detectors and standards for wiring and equipment, provisions of that certain International Fire Code as provided for in the Uniform Construction Code, as amended from time to time. There has been and is now filed in the Municipal Building one (1) copy of said code, and said provisions are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect the provisions thereof shall be controlling within the limits of the Borough of South Greensburg.



**§ 138-5. Installation standards. [Amended 6-8-1987 by Ord. No. 87-8, amended 4-11-2005 by Ord. No. 2005-08.]**

- A. Smoke and/or heat detectors required by this chapter shall be installed in accordance with the standards set forth in the International Fire Code as provided for in the Uniform Construction Code.
- B. In the case of business, commercial, and industrial establishments, smoke and/or heat detectors shall:
  - (1) In such establishments consisting of two thousand (2,000) square feet or less, be connected with a listed local protective signaling system in accordance with the International Fire Code as provided for in the Uniform Construction Code.
  - (2) In such establishments consisting of more than two thousand (2,000) square feet, be connected to a remote supervisory station or a public fire reporting system upon express written approval of the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) in the accordance with the International Fire Code as provided for in the Uniform Construction Code.
- C. In the case of single and multi-family dwellings, smoke and/or heat detectors required by this Chapter shall be installed in accordance with the standards set forth in the International Fire Code as provided for in the Uniform Construction Code, and any building code which may then be in effect.
- D. In the case of all other areas or structures in which smoke and/or heat detectors are required by this chapter, such detectors shall be connected with a central monitoring system in accordance with the International Fire Code as provided for in the Uniform Construction Code.

**§ 138-6. Submission of plans required for building permit. [Amended 4-11-2005 by Ord. No. 2005-08.]**

- A. No building permit or occupancy permit for new construction, or for renovation, alteration, or conversion shall be issued unless prior thereto there is submitted to and approved by the International Fire Code as provided for in the Uniform Construction Code, plans which describe the location and placement of smoke and heat detectors and the type of equipment to be installed.
- B. No building requiring a fire alarm system pursuant to §138-5(B) and §138-3(A) (B) (C) and (D) shall be granted an occupancy permit until the fire alarm system has been tested in the presence of the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) and has been approved in a manner established by the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.)

**§ 138-7. Approval of equipment. [Amended 6-8-1987 by Ord. No. 87-8, amended 4-11-2005 by Ord. No. 2005-08.]**

- A. All smoke and heat detector devices, systems, combinations of devices and equipment required by this chapter shall be of a type approved by Underwriters' Laboratories, Inc. (ULI), for the specifically designated purpose of that make, model and type of device, system or equipment.
- B. All smoke and heat detector devices, systems, combination of devices and equipment required herein are to be approved by the International Fire Code as provided for in the Uniform Construction Code prior to installation of the same. Such approval shall be permanent unless the International Fire Code as provided for in the Uniform Construction Code subsequently finds that the equipment is hazardous, unreliable or otherwise detrimental to public health or safety, in which case the International Fire Code as provided for in the Uniform Construction Code may suspend or revoke approval. The International Fire Code as provided for in the Uniform Construction Code may in any such case determine whether replacement of existing installation shall be required. Where smoke

detectors are installed as part of an approved fire detection system, the requirement for single station smoke detectors may be set aside. Such fire detector systems must be approved by the International Fire Code as provided for in the Uniform Construction Code.

**§ 138-8. Testing of equipment. [Amended 6-8-1987 by Ord. No. 87-8, amended 4-11-2005 by Ord. No. 2005-08.]**

- A. Upon completion of the installation of any smoke and heat detector device, combination of devices, or equipment required hereby, a satisfactory test of said devices, systems and equipment shall be made in the presence of the Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) in accordance with the International Fire Code as provided for in the Uniform Construction Code.
- B. Upon completion of the installation of any smoke and heat detector device, combination of devices or equipment required hereby, the installing contractor shall execute an installer's certificate, in the International Fire Code as provided for in the Uniform Construction Code of the Borough of South Greensburg, indicating to the International Fire Code as provided for in the Uniform Construction Code that the detectors, systems and equipment have been installed in accordance with the terms of this chapter and in accordance with the manufacturer's specifications.
- C. The Regional Code Administrator for Central Westmoreland Council of Governments (C.W.C.O.G.) of the Borough of South Greensburg shall from time to time conduct random tests of existing smoke and heat detector devices, combinations of devices and equipment to ensure continued compliance with the provisions of this Chapter. Any devices, systems or equipment found by such testing to be in noncompliance shall constitute a violation of this Chapter and be subject to the penalties set forth herein.

### **§ 138-9. Existing installations.**

Smoke and heat detectors installed or in the process of installation prior to the effective date of this chapter shall be deemed to have complied with this chapter. However, in the event that the International Fire Code as provided for in the Uniform Construction Code subsequently finds that the equipment is hazardous or unreliable or otherwise detrimental to public health or safety, the International Fire Code as provided for in the Uniform Construction Code may require the replacement of the existing installation, said replacement to conform to the requirements of this chapter.

### **§ 138-10. Compliance required. [Amended 9-10-2001 by Ord. No. 2001-02.]**

After the effective date of this chapter, all new construction shall comply with this chapter immediately. All hotels, motels, apartment buildings, and town houses, affected by the terms of this chapter shall comply with this chapter within one (1) year of the effective date of this chapter. No other already existing structures shall be bound to install smoke and heat detectors unless or until converted to a different occupancy classification or converted from an owner-occupied dwelling to a rental property.

### **§ 138-11. Violations and penalties. [Amended 6-8-1987 by Ord. No. 87-8, amended 4-11-2005 by Ord. No. 2005-08.]**

Any person who shall violate any of the provisions of this chapter or fail to comply herewith, or who shall violate or fail to comply with any order made hereunder, or who shall install a smoke and heat detector in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit thereunder, or who shall allow detectors, systems or equipment to exist in noncompliance with the terms hereof, and from which no appeal has been take, or who shall fail to comply with such an order as affirmed or modified by the International Fire Code as provided for in the Uniform Construction Code or by a court of competent jurisdiction, within the time as 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(\$1,000.00), together with the

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 such violation shall not excuse the violation permitted 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. The imposition of the above penalty shall not be held to prevent the forced removal or correction of prohibited or nonapproved conditions.

**§ 138-12. Existing legislation.**

Nothing in this chapter shall be deemed to affect, modify, amend or repeal any provision of any Act of the Assembly of the Commonwealth of Pennsylvania.

## **Chapter 141**

### **SNOW AND ICE REMOVAL**

- § 141-1. Removal of snow, ice and hail mandatory.**
- § 141-2. Depositing on streets or alleyways unlawful.**
- § 141-3. Fire hydrants to remain visible and accessible.**
- § 141-4. Violations and penalties.**
- § 141-5. Municipal liens.**
- § 141-6. Parking restrictions.**

**[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. Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Streets and sidewalks — See Ch. 144.**

**Vehicles and traffic — See Ch. 159.**

#### **§ 141-1. Removal of snow, ice and hail mandatory.**

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of South Greensburg to fail to remove from the sidewalk abutting said property all snow, ice, hail or sleet within twenty-four (24) hours after the same shall have ceased to fall thereon and to keep said sidewalks free and clear of all snow, ice, hail or sleet thereafter.

### **§ 141-2. Depositing on streets or alleyways unlawful.**

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of South Greensburg, in removing said snow, ice, hail or sleet as set forth in § 141-1 hereof, to deposit the same on the traveled cart way of any dedicated or undedicated public street or alleyway within the Borough of South Greensburg.

### **§ 141-3. Fire hydrants to remain visible and accessible.**

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of South Greensburg, in removing said snow, ice, hail or sleet as set forth in § 141-1 hereof, to deposit the same in such a manner as to do any of the following:

- A. Obscure visibility of any fire hydrant.
- B. Obstruct or impede access to any fire hydrant.

### **§ 141-4. Violations and penalties.**

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of South Greensburg to violate any provision of this chapter, and any such person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of South Greensburg so violating any provision herein shall, upon conviction in a summary proceeding before a District Justice, be subject to a fine of not more than six hundred dollars (\$600.) and costs of prosecution for each offense, or, upon default in payment of the fine and costs, to imprisonment for not more than thirty (30) days. For the purpose of this chapter, each day's violation of the provisions hereof shall be deemed to be a separate offense.

### **§ 141-5. Municipal liens.**

Any matters referred to herein as being unlawful shall be declared to be nuisances and removable as such. If the cost of such removal is not promptly paid, a municipal lien shall be filed therefor or such cost otherwise collected as authorized by law.

### **§ 141-6. Parking restrictions.**

- A. It shall be unlawful for any person to park or permit a vehicle to stand unattended upon any street, road, alley or highway dedicated to public use which the Borough of South Greensburg shall have the duty to maintain during any snowfall and after three (3) or more inches of snow shall have fallen, drifted or accumulated thereon, and remains lying thereon. Said restriction shall remain until the borough shall have had reasonable opportunity to plow or otherwise remove the snow which has accumulated.
- B. Any person violating any of the provisions of this section shall be punishable, upon conviction thereof, by a fine of not more than five dollars (\$5.), and in lieu of payment thereof, upon conviction, said fine shall be increased to ten dollars (\$10.), plus costs of prosecution.
- C.



## **Chapter 142**

### **SOLID WASTE**

#### **ARTICLE I Roll-Off Containers**

- § 142-1. Title.**
- § 142-2. Purposes.**
- § 142-3. Definitions.**
- § 142-4. Permit required; issuance; fee; non-transferability.**
- § 142-5. Application.**
- § 142-6. General provisions.**
- § 142-7. Suspension and revocation of permit.**
- § 142-8. Inspections.**
- § 142-9. Violations and penalties.**

#### **ARTICLE II Licensing for Municipal Waste Haulers**

- § 142-10. Title.**
- § 142-11. Definitions; word usage.**
- § 142-12. Prohibited activities.**
- § 142-13. Standards for collection and transportation.**
- § 142-14. Licensing requirements.**
- § 142-15. Reporting requirements.**
- § 142-16. Violations and penalties.**

**§ 142-17. Injunctive powers.**

### **ARTICLE III Municipal Waste Disposal Sites**

**§ 142-18. Designation of facilities.**

### **ARTICLE IV Appliances Containing Freon**

**§ 142-19. Definitions.**

**§ 142-20. Disposal of appliances containing freon.**

**§ 142-21. Certification.**

**§ 142-22. Violations and penalties.**

**§ 142-23. Liability of property owner.**

**§ 142-24. Election.**

**§ 142-25. Remedies not mutually exclusive.**

**[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg: Art. I, 6-8-1992 as Ord. No. 92-3; Art. II, 11-9-1992 as Ord. No. 92-8; Art. III, 11-9-1992 as Ord. No. 92-9; Art. IV, 3-11-1996 as Ord. No. 96-3. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Garbage, rubbish and refuse — See Ch. 90.**

**Junkyards — See Ch. 103.**

**Littering — See Ch. 108.**

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

**ARTICLE I**  
**Roll-Off Containers**  
**[Adopted 6-8-1992 as Ord. No. 92-3]**

**§ 142-1. Title.**

This Article may be cited as the "Borough of South Greensburg Solid Waste Disposal Ordinance."

**§ 142-2. Purposes.**

The purposes of this Article are to:

- A. Ensure the safe and effective utilization of roll-off containers.
- B. Establish a program of regulation for the placement and utilization of roll-off containers within the Borough of South Greensburg.

**§ 142-3. Definitions.**

For the purposes of this Article, the following words shall have the following meanings:

**DISPOSAL** — The deposition, injection, dumping, spilling, leaking or placing of solid waste into receptacles commonly called "roll-off containers" for the temporary collection of solid waste.

**ROLL-OFF CONTAINER** — Any receptacle used for the collection and containment of solid waste on a temporary basis, which receptacles are transported to and from a particular site or sites within the Borough of South Greensburg for the purpose of collecting and disposing of said solid waste.

**SOLID WASTE** — Any refuse, including solid or semisolid material, resulting from operation of construction and/or similar type activities, but specifically not including garbage resulting from residential use, nor industrial, hazardous and/or medical waste.

**§ 142-4. Permit required; issuance; fee; non-transferability.**

**[Amended 10-12-2012 by Ord. No. 2012-10.]**

- A. No person shall place or utilize any roll-off container within the Borough of South Greensburg without first obtaining a permit for such roll-off container in compliance with the provisions of this Article.
- B. The Borough Secretary or his designee is authorized to issue permits in accordance with the terms hereof and with the approval of Council for the Borough of South Greensburg to suspend, revoke or deny permits to achieve the purposes of this Article. Any permit granted under this Article shall be valid for a period of thirty (30) days after its date of issuance, and each permit must be renewed monthly before the expiration date set forth on the permit. The fee to cover the cost associated with issuance of a permit or permit renewal shall be as designated by Council pursuant to §1-16 herein, which fee shall be paid immediately upon issuance or renewal of the permit. A permit shall be required for each  
roll-off container.
- C. Permits issued under this Article are not transferable or assignable under any circumstances.

**§ 142-5. Application.**

- A. Applicants for a permit under this Article shall file with the Borough Secretary a written application in form approved by the Borough of South Greensburg prior to the placement or utilization of a roll-off container with the Borough of South Greensburg.
- B. After submission of the application and when it has been determined that the application and its supporting data is complete and that the proposed placement and use of the roll-off containers meets the requirements of this Article and the rules and regulations promulgated thereunder, a permit will be granted.
- C. With the submission of this application, the application shall include a narrative explaining:

- (1) The nature of the solid waste, by source and type of material, that will be placed within the roll-off container.
- (2) The precise location of the roll-off container and the proposed methodology for providing for litter and dust control and for maintaining appropriate fire and health safety.
- (3) The method and route for removal of the roll-off container.

#### **§ 142-6. General provisions.**

- A. Measures and procedures to prevent and minimize fire hazards shall be established and practiced at the site of the roll-off container.
- B. Litter control measures in and about the roll-off container shall be provided to prevent litter to accumulate in the area surrounding the roll-off container.
- C. Provisions shall be made to prevent dust from causing health or safety hazards or public nuisances.
- D. Operations and use of the roll-off containers shall, in no way, cause health or safety hazards or public nuisances. The area surrounding the roll-off containers shall be cleaned daily to prevent odors, vectors and other nuisances. No drainage shall emit from the roll-off container.
- E. The roll-off container shall be provided with a suitable cover which shall remain in place during the entire time of the use of the roll-off container.
- F. Vehicles transporting the roll-off containers shall travel only those designated routes that are established by the Borough Secretary with Borough Council's approval.

#### **§ 142-7. Suspension and revocation of permit.**

The Borough Secretary may immediately suspend a permit issued in accordance with § 142-5 of this Article if a permittee or any of the agents, servants or employees of such permittee are in violation of this Article or any of the rules and regulations pursuant thereto. Citation shall be issued daily if violations continue.

## **§ 142-8. Inspections.**

The Borough Secretary or his designate, the fire official, law enforcement officer or zoning official or representative of the Borough of South Greensburg shall have the authority to inspect all roll-off containers as often as may be necessary for the purpose of ascertaining or causing to be corrected any condition which may be a violation of this Article or any rule or regulation promulgated thereunder.

## **§ 142-9. Violations and penalties.**

Any person who violates any provision of this Article or of the rules and regulations promulgated pursuant thereto shall be subject to a fine of not more than six hundred dollars (\$600.) and, in default of payment, to imprisonment for not more than thirty (30) days. Each day's violation of any provision of this Article shall constitute a separate offense, and the violation of each section hereof shall constitute a separate offense.

# **ARTICLE II**

## **Licensing for Municipal Waste Haulers**

### **[Adopted 11-9-1992 as Ord. No. 92-8]**

## **§ 142-10. Title.**

This Article shall be known and referred to as the "Borough Licensing Ordinance."

## **§ 142-11. Definitions; word usage.**

- A. The following words and phrases, as used in this Article, shall have the meanings ascribed to them herein, unless the context clearly indicates a different meaning:

ACT 97 — The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988-101, July 28, 1988).

COLLECTOR or WASTE HAULER — Any person, firm, partnership, corporation or public agency who or which is engaged in the collection and/or transportation of municipal waste.

COMMERCIAL ESTABLISHMENT— Any establishment engaged in nonmanufacturing or non-processing business, including but not limited to stores, markets, offices, restaurants, shopping centers and theaters.

BOROUGH — The Borough of South Greensburg, Westmoreland County, Pennsylvania, or any agency designated as the borough's representative for the purpose of this Article.

BOROUGH LICENSED COLLECTOR or WASTE

HAULER — Any municipal waste collector or hauler possessing a current borough license issued pursuant to this Article.

DEPARTMENT or DER— The Pennsylvania Department of Environmental Resources.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or production activities, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT — Any establishment or facility engaged in services, including but not limited to hospitals, nursing homes, schools and universities.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings.

MUNICIPALITY — Any local municipal government within Westmoreland County.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any

municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include any source-separated recyclable materials or material approved by the PADER for beneficial use. For the purpose of this Article, the term "municipal waste" shall not include infectious and chemotherapeutic waste since all haulers of infectious and chemotherapeutic waste are licensed and regulated by the DER under special regulations.

**MUNICIPAL WASTE LANDFILL** — Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the Pennsylvania DER for such purposes.

**PERSON** — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, municipality, state institution and agency or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Article prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

**PROCESSING** — Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include but are not limited to transfer stations, composting facilities and resource recovery facilities.

**SCAVENGING** — The unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

**TRANSPORTATION**— The off-site removal of any municipal waste at any time after generation.

- B. For the purposes of this Article, the singular shall include the plural and the masculine shall include the feminine and neuter.

## **§ 142-12. Prohibited activities.**

- A. It shall be unlawful for any person to collect and/or transport municipal waste generated by any residential, commercial, public or institutional establishment within the Borough of South Greensburg



without first securing a license to do so in accordance with the provisions of this Article.

- B. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within the Borough of South Greensburg in a manner that is not in accordance with the provisions of this Article and the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations.
- C. All municipal waste collected from sources located within the Borough of South Greensburg, except for sewage sludge and septage which is processed or disposed of according to DER regulations, must be delivered to a processing or disposal facility designated under the Westmoreland County Act 101 Municipal Waste Management Plan.
- D. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within the Borough of South Greensburg without prior written approval from the county and the local municipality.

### **§ 142-13. Standards for collection and transportation.**

- A. All collectors or waste haulers operating within the borough must comply with the following minimum standards and regulations:
  - (1) All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Act 97 and Act 101, including the Title 25, Chapter 285, Subchapter B Regulations for the Collection and Transportation of Municipal Waste.
  - (2) All collection vehicles conveying municipal waste shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
  - (3) All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.

- (4) All collection vehicles conveying non-putrescible municipal waste shall be capable of being enclosed or covered to prevent roadside litter and other nuisances.
  - (5) All collection vehicles conveying municipal waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific type of municipal waste transported by the vehicle. All such signs shall have lettering which is at least six (6) inches in height as required by Act 101.
- B. All collection vehicles and equipment used by borough licensed collectors or haulers shall be subject to inspection by the borough or its authorized agents at any reasonable hour without prior notification.

#### **§ 142-14. Licensing requirements.**

- A. No person shall collect, remove, haul or transport any municipal waste through or upon the streets of the Borough of South Greensburg without first obtaining a license from the Borough of South Greensburg in accordance with the provisions of this Article.
- B. All collectors and waste haulers licensed by the Borough of South Greensburg shall be designated as a "borough licensed waste hauler" or a "borough licensed collector."
- C. The borough shall have the right to designate the specific processing and/or disposal facilities where borough licensed collectors must transport and dispose any municipal solid waste collected from sources within the Borough of South Greensburg.
- D. Any person who desires to collect, haul or transport municipal waste within the Borough of South Greensburg shall submit a license application and any license application fee to the Borough of South Greensburg or its designated agent. The Borough of South Greensburg or its designated agent shall have a minimum period of thirty (30) calendar days to review any license application and take approval or denial action.
- E. The license fee shall be set by the Borough of South Greensburg on an annual basis. All licenses are nontransferable and shall be issued for a period of one (1) calendar year. There shall be no reduction or

prorated fee for any license issued during the middle of any calendar year.

- F. The license application form, which will be supplied by Council for the Borough of South Greensburg, shall set forth the minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste, including but not necessarily limited to:
  - (1) The name and mailing address of the applicant.
  - (2) The name and telephone number of contact person.
  - (3) A list of all collection vehicles to be covered under the license, including identification information for each vehicle, such as vehicle license number and company identification number.
  - (4) The type of municipal waste collected and transported.
  - (5) Certificate(s) of insurance to present evidence that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by the Borough of South Greensburg.
- G. Any collector or hauler with an existing license shall submit a license renewal application and license fee to Council for the Borough of South Greensburg or its designated agent at least sixty (60) days prior to the expiration date of the existing license, if renewal of the license is desired. All new license applicants must submit a license application and license fee at least thirty (30) days before beginning collecting and transporting municipal waste within the Borough of South Greensburg.
- H. No new license or license renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this Article or is in violation of the provisions of this Article.

#### **§ 142-15. Reporting requirements.**

- A. All borough licensed collectors shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage changes to Council for the Borough of South Greensburg or its designated agent.

- B. All borough licensed collectors shall maintain current up-to-date records of the customers serviced within the Borough of South Greensburg. Such records and customer lists shall be subject to inspection and must be made available to the Council for the Borough of South Greensburg or its designated agent upon request.
- C. Each borough licensed collector shall prepare and submit a semiannual report to the Council for the Borough of South Greensburg or its designated agent. The report for the first six (6) calendar months of each year (January through June) shall be submitted on or before July 31 and the report for the second six (6) calendar months of each year (July through December) shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each semiannual report:
  - (1) The total weight of each type of municipal waste collected from all sources located in the Borough of South Greensburg during each month of the reporting period.
  - (2) The name of each processing or disposal facility the hauler used during the reporting period and the total weight of each type of municipal waste that was delivered to each site during each month of the reporting period.

#### **§ 142-16. Violations and penalties.**

- A. Any person who violates any provision of this Article shall be guilty of a misdemeanor which is punishable, upon conviction, by a fine of not less than three hundred dollars (\$300.) nor more than one thousand dollars (\$1,000.) or by imprisonment for a period of not more than ninety (90) days, or both. Each day of violation shall be considered as a separate and distinct offense.
- B. The Council for the Borough of South Greensburg, or its designated agent, shall have the right at any time, after a hearing, without refund of any license fee, to suspend or revoke the license of any borough licensed collector or hauler for any of the following causes:
  - (1) Falsification or misrepresentation of any statements in any license application.
  - (2) Lapse or cancellation of any required insurance coverages.

- (3) Collection and/or transportation of any municipal waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this Article.
- (4) Transportation and disposal of any municipal waste collected from sources within the Borough of South Greensburg at any site other than those processing or disposal facilities designated by the borough.
- (5) Violation of any part of this Article, any other applicable borough or municipal ordinances or other applicable Pennsylvania laws or regulations.

#### **§ 142-17. Injunctive powers.**

The borough may petition the Court of Common Pleas of Westmoreland County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this Article.

### **ARTICLE III**

#### **Municipal Waste Disposal Sites**

**[Adopted 11-9-1992 as Ord. No. 92-9]**

#### **§ 142-18. Designation of facilities.**

- A. The county-designated facilities that will be utilized for the long-term disposal of the municipal waste generated within the Borough of South Greensburg in accordance with the requirements of the approved County Plan are listed below in alphabetical order:
- (1) The Municipal Authority of Westmoreland County Sanitary Landfill in Rostraver Township, Westmoreland County, Pennsylvania.
  - (2) Waste Management of PA, Inc.'s County (formerly "Y & S Maintenance") Landfill in East Huntingdon Township, Westmoreland County.
  - (3) Westmoreland County's Waste-to-Energy Plant in Hempfield Township, Westmoreland County.

- B. The Borough of South Greensburg hereby intends to enact the necessary local ordinances requiring that all municipal waste generated within its boundaries must be disposed at the county-designated facility selected by the Borough of South Greensburg pursuant to this Article or any other facility designated by Westmoreland County in accordance with the requirements of the Pennsylvania Department of Environmental Resources and the approved County Plan.

**ARTICLE IV**  
**Appliances Containing Freon**  
**[Adopted 3-11-1996 as Ord. No. 96-3]**

**§ 142-19. Definitions.**

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

OWNER — The actual owner or custodian of any appliance containing the freon which is placed for garbage collection within the Borough of South Greensburg.

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

PROPERTY LESSEE — The owner, for the purpose of this Article, where the appliance involved is owned by property lessee.

PROPERTY OWNER — The actual owner or custodian of the real estate on which the appliance involved is situate.

- B. 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.

**§ 142-20. Disposal of appliances containing freon.**

It shall be unlawful for any person to place any appliance containing freon for garbage collection within the borough without first having had the freon removed from the appliance and a certification issued that the freon has been removed.

### **§ 142-21. Certification.**

- A. Certification of freon removal shall be supplied to the Borough Secretary prior to the appliance being placed for garbage collection.
- B. In the event that an owner places an appliance for collection in violation of § 142-20, then the borough shall have the power to secure the removal of said freon and a certification of freon removal.

### **§ 142-22. Violations and penalties.**

Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine not more than one hundred dollars (\$100.) and, in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days.

### **§ 142-23. Liability of property owner.**

- A. In the event that an appliance owner places an appliance with freon for garbage collection without first having the freon removed and obtaining a certification, then the borough, prior to proceeding under § 142-21 of this Article, shall notify the property owner in writing of the violation of this Article and give the property owner the opportunity, within a period of seven (7) days from the date of notice, to have the freon removed from the appliance and to secure the required certification.
- B. In the event that a property owner after said notification fails to secure said freon removal and certification, then said property owner may also be subject to the penalty provisions of § 142-22 herein.

**§ 142-24. Election.**

At the request of any person responsible for the removal of freon as herein provided, the Borough of South Greensburg may, upon payment of an amount of money equal to the actual cost to the Borough of South Greensburg, undertake the removal of freon and obtaining of certification as herein provided.

**§ 142-25. Remedies not mutually exclusive.**

The remedies provided herein for the enforcement of this Article or any remedy provided by law shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough of South Greensburg Council.



## **Chapter 143**

### **STORM WATER MANAGEMENT**

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**[HISTORY: Adopted 4-12-2004 by Ord. No. 2004-03.]**

#### **§ 143-1. Short Title.**

This Ordinance shall be known and may be cited as the "South Greensburg Borough Storm Water Management Ordinance."

#### **§ 143-2. Statement of Findings.**

The Council of the Borough of South Greensburg finds that:

- A. Storm water runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration

of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers, and greatly increases the cost to the public to manage storm water.

- B. Inadequate planning and management of storm water runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. A program of storm water management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protections of the people of the Municipality and all the people of the Commonwealth, their resources, and the environment.
- D. Storm water can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from storm water is an essential component in successfully addressing storm water.
- F. Federal and state regulations require certain municipalities to implement a program of storm water controls. These municipalities are required to obtain a permit for storm water discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).
- G. Non-storm water discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Township.

### **§ 143-3. Purpose**

The purpose of this Ordinance is to promote health, safety, and welfare within the Township and its watershed by minimizing the harms and maximizing the benefits described in § 102 of this Ordinance, through provisions designed to:

- A. Manage storm water runoff impacts at their source by regulating activities that cause the problems.
- B. Provide review procedures and performance standards for storm water planning and management.
- C. Utilize and preserve the existing natural drainage systems as much as possible.
- D. Manage storm water impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
- E. Focus on infiltration of storm water, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Maintain existing flows and quality of streams and watercourses.
- G. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93.4(a) to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in "special protection" streams.
- H. Prevent scour and erosion of stream banks and streambeds.
- I. Provide for proper operations and maintenance of all permanent storm water management BMP's implemented in the Township.
- J. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.
- K. Implement an illegal discharge detection and elimination program to address non-storm water discharges into the Municipality's separate storm sewer system.

#### **§ 143-4. Statutory Authority.**

The Township is empowered to regulate land use activities that affect storm water runoff under the authority of the provisions of the Second-Class Township Code, 53 P.S. §67701 et seq. and specifically the terms of 53 P.S. §67704.

#### **§ 143-5. Applicability.**

- A. This Ordinance applies to any Regulated Earth Disturbance activities within the Township of Salem, and all storm water runoff entering into the Township's separate storm sewer system from lands within the boundaries of the Township.
- B. Earth Disturbance activities and associated storm water management controls are also regulated under the existing state law and implementing regulations. This Ordinance is intended to operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than existing state law and those implementing regulations referenced herein.

#### **§ 143-6. Repealer.**

Any other Ordinance, parts of Ordinances, Resolutions, parts of Resolutions or other regulations of the Township inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistency only and this Ordinance shall be deemed controlling.

#### **§ 143-7. Severability.**

In the event that any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance and the remaining terms of same shall continue in full force and effect.

#### **§ 143-8. Compatibility with Other Requirements.**



- A. Approvals issued and actions taken under this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other Federal, State or Local code, law, regulation or Ordinance. To the extent that this Ordinance imposes more rigorous or stringent requirements for storm water management, the specific requirements contained in this Ordinance shall be followed and controlling.
- B. Nothing in this Ordinance shall be construed to affect any Township requirements regarding storm water matters not conflict with the provisions of this Ordinance, such as local storm water management design criteria (e.g. inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other Municipal Ordinances, now in effect or hereafter enacted, or regulations associated with same, shall be construed to retain the requirements of this ordinance addressing State Water Quality Requirements.

## **CHAPTER 2**

### **Storm Water Quality Management**

## **ARTICLE II**

### **General Interpretation and Definitions**

#### **§ 143-9. General Interpretation.**

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural numbers include the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The words "includes" or "including" shall not limit the term to the specific example but are intended to extend their meaning to all other instances of like kind and character.
- C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

#### **143-10. Definitions.**

The following terms, whenever used in this Ordinance hereafter shall have the meanings indicated in this section, except where the context indicates a different meaning. Those definitions set forth in Chapter 3, Section 904 hereafter are likewise incorporated herein by reference thereto. To the extent any definition set forth in Chapter 3, Section 904 is inconsistent with the definition of any of the terms set forth hereafter, those definitions set forth in this Section shall be controlling for purposes of this Chapter 2 only.

**ACCELERATED EROSION** - The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur as a result of the natural process alone.

**APPLICANT** - A landowner, developer or other person who has filed an application for approval to engage in any Regulated Earth Disturbance activity at a project site in the Municipality.

**BOROUGH** - South Greensburg Borough, Westmoreland County, Pennsylvania.

**BMP (BEST MANAGEMENT PRACTICE)** - Schedules of activities, prohibitions of practices, structural controls (e.g. infiltration trenches), design criteria, maintenance procedures and other management practices to prevent or reduce pollution to the waters of the Commonwealth. BMP's include Erosion and Sedimentation Control Plans, Post Construction Stormwater Management Plans, Stormwater Management Act Plans and other treatment requirements, operating procedures and practices to control runoff, spillage or leaks, sludge or waste disposal, drainage from raw material storage, and methods to reduce pollution, recharge groundwater, enhance stream base flow and to reduce the threat of flooding and stream bank erosion.

**CONSERVATION DISTRICT** - The Westmoreland County Conservation District.

**DEPARTMENT** - The Pennsylvania Department of Environmental Protection (DEP).

**DEVELOPER** - See "Earth Disturbance Activity." The term includes redevelopment of an existing Development Site.

**DEVELOPMENT SITE** - The specific tract or parcel of land where any Earth Disturbance activities in the Township are planned, contemplated, laid out, conducted or maintained.

**DIRECTOR** - The Secretary of the Department of Environmental Protection or any authorized employee thereof.

**EARTH DISTURBANCE ACTIVITY** - A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials, other than activity which occurs during the normally practiced course of farming operations.

**EROSION** - The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

**EROSION AND SEDIMENT CONTROL PLAN** - A plan for a project site which identifies BMP's to minimize accelerated erosion and sedimentation.

**GROUNDWATER RECHARGE** - Replenishment of existing natural underground water supplies.

**IMPERVIOUS SURFACE** - Any surface which prevents the infiltration of water into the ground. The term "Impervious Surface" includes, but is not limited to, any roof, parking lot or driveway areas, and any new or reconstructed streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

**MUNICIPALITY** - South Greensburg Borough, Westmoreland County, Pennsylvania. Also referred to hereafter as the "Borough."

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** - A separate storm sewer (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains), which include, but is not limited to, the following:

1. A system owned or operated by a state, city, town, borough, township, county district, association, authority, or any other public body created under state law having jurisdiction over the disposal of sewage, industrial wastes, storm water or other wastes;
2. A system designed or used for collecting or conveying storm water;
3. A system which is not a combined sewer; and/or
4. A system which is not a part of a Publicly Owned Treatment Works.

**NOI** - The Notice of Intent for Coverage under the NPDES General Permit for discharges from Small Municipal Separate Storm Sewer Systems.

**NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM)** - The federal government's system for issuance of permits under the Clean Water Act, which is delegated to the DEP in Pennsylvania.

**OUTFALL** - The "Point Source" as described in 40 CFR §122.2 at the point where the Borough's storm sewer system discharges into surface waters of the Commonwealth or where an MS4 discharges into those surface waters of the Commonwealth; "outfall" does not include open conveyances connecting two (2) municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface waters which are used to convey surface waters.

**PERSON** - An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever, recognized by law as the subject of rights and duties.

**POINT SOURCE** - Point source as defined by 25 Pa. Code §92.1, which includes any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged.

**PROJECT SITE** - The specific area of land where any Regulated Earth Disturbance activity in the Borough is planned to occur, conducted or maintained.

**REDEVELOPMENT** - Earth Disturbance activities on land which has been previously disturbed or developed.

**REGULATED EARTH DISTURBANCE ACTIVITY** - Those construction activities which result in land disturbance of greater than one (1) acre or more and/or land disturbance on a development site of less than one (1) acre where such development site is part of a larger common plan of development or sale that equals one (1) acre or more. Provided, however, that any construction activities associated with commercial, industrial, institutional or other business-related purposes shall be deemed Land Disturbance Activity regardless of the size of the area of disturbance.

**ROAD MAINTENANCE** - Earth disturbance activities within an existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

**SEPARATE STORM SEWER SYSTEM** - A structure, conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying storm water runoff.

**SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM** - A municipal separate storm sewer system (MS4):

1. Designated by the EPA at pages 68828-68831 of the Federal Register Volume 64, number 235 (December 8, 1999) based on the 1990 Decennial Census;
2. Designated by the EPA based on the 2000 Decennial Census;
3. Designated by the DEP based on the process described in 40 CFR §123.35 unless waived by the DEP pursuant to the process described in 40 CFR §123.35.

**STATE WATER QUALITY REQUIREMENTS** - As defined under state regulations - protection of designated and existing uses - (See 25 Pa. Code Chapters 93 and 96) - including:

- A. Each stream segment in Pennsylvania having a "designated use, such as "cold water fishery" or "potable water supply," which are listed in Chapter 93. These uses must be protected and maintained as provided by state regulations.
- B. "Existing uses" attained as of November 1975, regardless of whether they have been designated in Chapter 93. Regulated Earth Disturbance activities must be designated to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involving the chemical, biological and physical characteristics of surface water bodies. After Regulated Earth Disturbance activities are complete, these characteristics can be

impacted by the addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes inland surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, stream bed and structural integrity of the waterway, to prevent impact.

**STORM WATER** - Runoff from precipitation, snow melt runoff, surface runoff and drainage.

**SURFACE WATERS OF THE COMMONWEALTH** - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

**WATERCOURSE** - A channel or conveyance of surface water, such as a stream or creek, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATERSHED** - Region or area drained by a river, watercourse or other body or water, whether natural or artificial.

### **ARTICLE III**

#### **Storm Water Management Requirements**

#### **§ 143-11. General Requirements for Storm Water Management.**

- A. All Regulated Earth Disturbance Activities within the Municipality shall be designed, implemented, operated and maintained to meet the purposes of this Ordinance, through these two elements:
  - 1. Erosion and Sediment control during the earth disturbance activities (e.g., during construction), and
  - 2. Water quality protection measures after completion of earth disturbance activities (e.g., after construction), including operations and maintenance.

- B. No Regulated Earth Disturbance activities within the Municipality shall commence until the requirements of this Ordinance are met.
- C. Erosion and sediment control during Regulated Earth Disturbance activities shall be addressed as required by §303.
- D. Post-construction water quality protection shall be addressed as required by §304. Operations and maintenance of permanent storm water BMPs shall be addressed as required by Article IV herein.
- E. All Best Management Practices (CMPs) used to meet the requirements of this Ordinance shall conform to State Water Quality Requirements and/or any more stringent requirements as may be determined by the Township hereafter.
- F. Techniques described in Appendix A (Low Impact Development) of this Ordinance are encouraged, as they are deemed to reduce the costs of complying with the requirements of this Ordinance and State Water Quality Requirements.

#### **§ 143-12. Permit Requirements by Other Government Entities.**

The following permit requirements may apply to certain Regulated Earth Disturbance Activities, and must be met prior to commencement of Regulated Earth Disturbance Activities, when applicable:

- A. All Regulated Earth Disturbance Activities subject to permit requirements by the DEP under regulations set forth in 25 Pa. Code Chapter 102.
- B. Work within natural drainage ways subject to permit by the DEP under 25 Pa. Code, Chapter 105.
- C. Any storm water management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by the DEP under 25 Pa. Code, Chapter 105.
- D. Any storm water management facility that would be located on a State highway right-of-way, or require access from a State highway, shall also be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).



- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from a tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

### **§ 143-13. Erosion and Sediment Control During Regulated Earth Disturbance Activities.**

- A. No Regulated Earth Disturbance Activities within the Municipality shall commence until approval by the Westmoreland ***Conservation District*** of an Erosion and Sediment Control Plan for construction activities.
- B. The DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code §102.4(b) that are applicable to Regulated Earth Disturbance Activities within the Township.
- C. In addition, under 25 Pa. Code Chapter 92, a DEP "NPDES Construction Activities" permit is required for Regulated Earth Disturbance activities.
- D. Evidence of the issuance of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office of County Conservation District must be provided to the Municipality prior to the issuance of any Local Permit under this Ordinance.
- E. A copy of the Erosion and Sediment Control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

### **§ 143-14. Water Quality Requirements after Regulated Earth Disturbance Activities are Complete.**

- A. No Regulated Earth Disturbance Activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.

- B. BMPs must be designed, implemented and maintained to meet State Water Quality Requirements, and any other more stringent requirements as determined by the Township.
- C. To control post-construction storm water impact from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by BMPs including site design, providing for replication of pre-construction storm water infiltration and runoff conditions, so that post-construction storm water discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Storm Water Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
  - 1. Infiltration: replication of pre-construction storm water infiltration conditions.
  - 2. Treatment: use of water, quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the storm water runoff, and
  - 3. Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- D. DEP has regulations that require municipalities to ensure the design, implementation and maintenance of Best Management Practices ("BMPs") that control runoff from new development and redevelopment after Regulated Earth Disturbance Activities are complete. These requirements include a requirement to implement post construction storm water BMPs with assurance of long-term operations and maintenance of those BMPs.
- E. Evidence of any necessary permit(s) for Regulated Earth Disturbance Activities from the appropriate DEP regional office must be provided to the Municipality.
- F. Acceptable BMP operations and maintenance requirements are described in Article IV of this Ordinance.

**ARTICLE IV**  
**BMP Operation and Maintenance Plans**

**§ 143-15. General Requirements for Storm Water BMP Operation and Maintenance Plan Requirements.**

- A. No Regulated Earth Disturbance Activities within the Municipality shall commence until approval by the Municipality of BMP Operations and Maintenance Plan which describes how permanent (e.g., post construction) storm water BMPs will be properly operated and maintained.
- B. The following items shall be included in the BMP Operations and Maintenance Plan:
  - 1. Map(s) of the project area, in a form that meets the requirements for recording in the Office of the Recorder of Deeds of Westmoreland County. The contents of the map(s) shall include, but not limited to:
    - a. Clear identification of the location and nature of permanent storm water BMPs;
    - b. The location of the project site relative to highways, municipal boundaries or other identifiable landmarks;
    - c. Existing and final contours at intervals of two feet, or others as may be appropriate;
    - d. Existing streams, lakes, ponds, or other bodies of water within the project site area;
    - e. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be reserved;
    - f. The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines of the project site;
    - g. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added;

- h. Proposed final structures, roads, paved areas, and buildings;
- i. A fifteen-foot wide access easement around all storm water BMPs that would provide ingress to and egress from a public right-of-way;
- j. A description of how all permanent storm water BMPs will be operated and maintained, and the identity of the person(s) responsible for operation and maintenance;
- k. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the Plan; and
- l. A statement, signed by the landowner, acknowledging that the storm water BMPs are fixtures that can be altered or removed only after approval by the Municipality.

#### **§ 143-16. Responsibilities for Operation and Maintenance of BMPs.**

- A. The BMP Operation and Maintenance Plan for the project site shall establish responsibility for the continuing operation and maintenance of all permanent storm water BMPs as follows:
  - 1. If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Municipality, storm water BMPs may also be dedicated to and maintained by the Municipality;
  - 2. If a Plan includes operations and maintenance in single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of storm water BMPs shall be the responsibility of the owner or private management entity.
- B. The Borough shall make the final determination of the responsibility for continuing operations and maintenance. The Borough reserves the right to accept or reject operation and maintenance responsibility for any or all storm water BMPs.

**§ 143-17. Municipal Review of BMP Operation and Maintenance Plans.**

- A. The Municipality shall review the BMP Operation and Maintenance Plan for consistency with the purposes and requirements of this Ordinance, and any permits issued by the DEP.
- B. The Municipality shall notify the Applicant in writing whether the BMP operations and Maintenance Plan is approved.
- C. The Municipality shall require an "As-Built Drawings" of all storm water BMPs, and an explanation of any discrepancies with the Operation and Maintenance Plan.
- D. Following construction, the developer shall submit drawings bearing the seal of a registered professional engineer indicating that the as-built improvements called for in the approved plan have been constructed according to the plans and specifications as approved by South Greensburg Borough. No occupancy of the structure for which the storm water management plan was prepared will be permitted until the built drawings have been received by the Borough and approved by their designee.

**§ 143-18. Adherence to Approved BMP Operation and Maintenance Plan.**

It shall be unlawful to alter or remove any permanent storm water BMP required by an approved BMP Operation and Maintenance Plan, or to allow the property to remain in a condition which does not conform to an approved BMP Operation and Maintenance Plan, unless an exception is granted in writing by the Borough.

**§ 143-19. Operations and Maintenance Agreement for Privately Owned Storm Water BMPs.**

- A. The property owner shall sign an operation and maintenance agreement with the Municipality covering all privately-owned storm water BMPs. This agreement shall be substantially in the same form as the agreement in Appendix B of this Ordinance, the form of which is hereby approved by the Borough.
- B. The Township may require additional provisions in the agreement where deemed necessary by the Township to guarantee the satisfactory operation and maintenance of the permanent storm water BMP. The agreement shall be subject to review and approval by the Borough.

**§ 143-20. Water Management Easements.**

- A. Storm water management easements are required for all areas used for off-site storm water control, unless a waiver is granted by the Borough Engineer.
- B. Storm water management easements shall be provided by the property owner if necessary for (1) access for inspections and maintenance, or (2) preservation of storm water runoff conveyance, infiltration, and detention areas and other BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under §405.

**§ 143-21. Recording of Approved BMP Operation and Maintenance Plans and Related Agreements.**

- A. The owner of any land upon which permanent BMPs will be placed, constructed or implemented as described in the BMP Operation and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds of Westmoreland County, within 15 days of approval of the BMP Operation Plan by the Municipality:
  - 1. The Operation and Maintenance Plan or a summary thereof;

2. The Operation and Maintenance Agreement or Agreements prepared under §405 above; and
  3. Easements granted under §406 above.
- B. The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

**§ 143-22. Municipal Storm Water BMP Operation and Maintenance Fund.**

- A. If a storm water BMP is accepted by the Borough for dedication, the Borough may require any person installing the storm water BMP to pay a specified amount to the Municipal Storm Water BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:
1. If the BMP is to be owned and maintained by the Municipality, the amount shall cover the estimated costs for operations and maintenance for ten (10) years, as determined by the Municipality.
  2. The amount shall then be converted to present worth of the annual services' values.
- B. If a BMP is proposed that also serves as a recreation facility (e.g., ball field, lake), the Municipality may adjust the amount due accordingly.
- C. The Borough hereby establishes the fund referenced herein for purposes associated with the operation and maintenance of storm water BMPs taken over by the Borough.

## **ARTICLE V**

### **Inspection of Premises**

#### **§ 143-23. Inspections.**

- A. The Borough acknowledges that the DEP or its designee normally ensure compliance with permits issued, including those for storm water management. In addition to DEP compliance programs, the Borough or its designee may inspect all phases of the construction, operation, maintenance and any other implementation of storm water BMPs.
- B. During any stage of the Regulated Earth Disturbance Activity, if the Municipality or its designee determines that any BMP is not being implemented in accordance with this Ordinance, the Municipality may suspend or revoke any existing permits or other approvals previously issued by the Township until the deficiencies are corrected.

#### **§ 143-24. Right of Entry.**

- A. Upon presentation of proper credentials, any duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of any storm water BMP to ensure compliance with the terms of this Ordinance or matters associated herewith.
- B. BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
- C. Persons working on behalf of the Municipality shall have the right to temporarily locate on any BMP in the Municipality any device deemed necessary to conduct monitoring and/or sampling of the discharges from such BMP.
- D. Unreasonable delays in allowing the Municipality access to a BMP shall be a violation of this Article.



## **ARTICLE VI**

### **Fees and Expenses - Generally**

#### **§ 143-25. Fees and Expenses - Generally.**

The Municipality may charge a reasonable fee for review of BMP Operation and Maintenance Plans to defray review costs incurred by the Municipality. The Applicant shall pay all such fees.

#### **§ 143-26. Expenses Covered by Fees.**

The fees required by this Ordinance may cover:

- A. Administrative/clerical costs.
- B. The review of the BMP Operation and Maintenance Plan by the Municipal Engineer.
- C. Site inspections including, but not limited to, pre-construction meetings, inspections during construction of storm water BMPs, and final inspection following completion of the storm water BMP.
- D. Any additional work required to monitor and/or enforce any provisions of this Ordinance, correct violations, and ensure proper completion of stipulated remedial actions.

## **ARTICLE VII**

### **Discharges**

#### **§ 143-27. Prohibited Discharges.**

- A. No person or entity in the Municipality shall allow, or cause to allow, storm water discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.
- B. Discharges which may be permitted, following a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:

Discharges from fire fighting activities	Uncontaminated water from foundation or from footing drains
Potable-water sources including dechlorinated water line and fire hydrant flushing's	Flows from riparian habitats wetlands
Irrigation drainage	Lawn watering
Routine external building washdown (which does not use detergents or other compounds)	Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
Air conditioning condensate	Dechlorinated swimming pool discharges
Water from individual residential car washing	Uncontaminated groundwater
Springs	
Water from crawl space pumps	

- C. In the event that the Township determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge
- D. Upon notice provided by the Township under subsection C. the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
- E. Nothing in this Section shall affect a discharger's responsibilities under state law.

## § 143-28. Prohibited Connections.

- A. The following connections are prohibited, except as provided in §701.B above:
  - 1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-storm water discharge including sewage, process wastewater, and wash water, to enter the separate storm

sewer system, and any connections to the storm drain system from indoor drains and sinks; and

2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Municipality.

#### **§ 143-29. Roof Drains.**

- A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in §703. B.
- B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Municipality.
- C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

#### **§ 143-30. Alteration of BMPs.**

- A. No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without the written approval of the Municipality.
- B. No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Municipality.

### **ARTICLE VIII Enforcement and Penalties**

#### **§ 143-31. Public Nuisance.**

- A. The violation of any provision of this Ordinance is hereby deemed a Public Nuisance.

- B. Each day that a violation continues shall constitute a separate violation.

### **§ 143-32. Enforcement Generally.**

- A. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance or BMP, the Municipality may order compliance by written notice to the responsible person. Such notice may require without limitation:
  - 1. The performance of monitoring, analyses, and reporting;
  - 2. The elimination of prohibited connections or discharges;
  - 3. Cessation of any violating discharges, practices, or operations;
  - 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
  - 5. Payment of a fine to cover administrative and remediation costs;
  - 6. The implementation of storm water BMPs; and
  - 7. Operation and maintenance of storm water BMPs.
- B. Such notification shall set for the nature of violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Municipality or designee with the expense thereof charged to the violator.
- C. Failure to comply within the time limitations specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

### **§ 143-33. Suspension and Revocation of Permit and Approvals.**

- A. Any building, land development or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:
  - 1. Non-compliance with or failure to implement any provision of the permit;
  - 2. A violation of any provision of this Ordinance; or
  - 3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- B. A suspended permit or approval may be reinstated by the Municipality when:
  - 1. The Municipal Engineer or designee has inspected and approved the corrections to the storm water BMPs, or the elimination of the hazard or nuisance, and/or;
  - 2. The Municipality is satisfied that the violation of the Ordinance, law or rule and regulation has been corrected.
- C. A permit or approval which has been revoked by the Municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

### **§ 143-34. Penalties.**

- A. Any person violating the provisions of this ordinance shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than less than \$500.00 nor more than \$1000.00 for each violation, recoverable with costs, and, in lieu or default of payment thereof, be sentenced to the maximum period of imprisonment permissible for summary offenses, or both. Each day that the violation continues shall constitute a separate offense without the necessity of a separate citation.

In addition, the Municipality, through its solicitor, may institute any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

## **CHAPTER 3**

### **Storm Water Quantity Management**

#### **ARTICLE IX**

#### **Statement of Purpose, General Provisions and Definitions**

##### **§ 143-35. Purpose.**

The purpose of the following Sections is to limit and restrict storm water runoff peak flows from subdivisions and other land development to predevelopment flow rates as indicated herein.

##### **§ 143-36. Applicability.**

- A. The following activities are included within the scope of this chapter:
  - 1. Land developments, including, without limitation, all commercial, industrial and institutional development regardless of size and whether or not such development is considered new or as an addition to existing, commercial, industrial or institutional development. Development of individual residential lots that predate this Ordinance shall be exempt from the provisions of this Ordinance.
  - 2. All subdivisions consisting of four (4) or more lots, regardless of the overall size of the development. Enumeration of lots shall include the residual tract.
  - 3. Construction of new or additional impervious or semi pervious surfaces (driveways, roadways, parking lots, buildings and additions thereto) which increases the rate of runoff equal to or more than thirty-hundredths (0.30) cubic feet per seconds (cfs) as calculated using the Rational Formula for a ten-year storm.
  - 4. Earthmoving activity involving one (1) or more acre of land.
- E. Normal agricultural and farming uses shall be exempt from the operation of this Ordinance.

### **§ 143-37. Compliance with Other Provisions.**

Permits and approvals issued pursuant to this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, ordinance, or regulatory agency. If more stringent requirements concerning regulation or storm water control are contained in the other code, rule, or ordinance, the more stringent regulations shall apply.

### **§ 143-38. Definitions.**

The following terms, whenever used in this Ordinance hereafter shall have the meanings indicated in this section, except where the context indicates a different meaning. Those definitions set forth in Chapter 2, §202 above are likewise incorporated herein by reference thereto. To the extent any definition set forth in Chapter 2, §202 above is inconsistent with the definition of any of the terms set forth in this Section, those definitions set forth in this Section shall be controlling for purposes of this Chapter 3 only.

**CONSERVATION DISTRICT** - The Westmoreland County Conservation District.

**CULVERT** - A pipe, conduit or similar structure, including appurtenant works, which carries surface water.

**DESIGNEE** - Unless otherwise noted, the official designee of South Greensburg Borough for action on behalf of the Borough under the terms of this chapter shall be the Borough Engineer.

**DESIGN STORM** - The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., one-hundred-year storm) and duration (e.g., twenty-four-hour) and used in computing storm water management control systems.

**DETENTION BASIN** - A basin designed to detain storm water runoff by having a controlled discharge system.

**DEVELOPER** - Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development as described in this Ordinance.



**DRAINAGE EASEMENT** - A right granted by a landowner to a grantee permitting the use of private land for storm water management purposes.

**HYDRAUL GRADE LINE** - A line joining points whose vertical distance from the center of the cross section of the fluid flowing in a pipe is proportional to the pressure in the pipe at the point.

**HYDRAULIC GRADIENT** - The slope of the hydraulic grade line.

**IMPERVIOUS SURFACE** - A surface which retards the percolation of water into the ground, e.g., asphalt, concrete and roofs.

**LAND DEVELOPMENT** - Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants, or tenure; or the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

**LAND DISTURBANCE ACTIVITY** - Any nonagricultural grading, earthwork, site preparation or construction activity which alters the vegetative cover, land contours or drainage patterns. Disturbance Activity, for purposes of this Chapter shall be deemed to be those construction activities which result in land disturbance of greater than one (1) acre or more and/or land disturbance on a development site of less than one (1) acre where such development site is part of a larger common plan of development or sale that equals one (1) acre or more. Provided, however, that any construction activities associated with commercial, industrial, institutional or other business-related purposes shall be deemed Land Disturbance Activity regardless of the size of the area of disturbance.

**MUNICIPALITY** - South Greensburg Borough, Westmoreland County, Pennsylvania

**PEAK DISCHARGE** - The maximum rate of flow of water at a given point and time resulting from a specified storm event.

**PRIVATE ENTITY** - A partnership, corporation, homeowner's association, condominium association or any other similar associations as distinguished from an individual lot owner.

**RATIONAL FORMULA** - A rainfall to runoff relation used to estimate peak flow, expressed by the following formula:

$$Q=CIA$$

**Where:**

**Q = Peak runoff rate in cubic feet per second (cfs)**

**C = Runoff coefficient**

**I = Design rainfall intensity (inches per hour)**

**A= Drainage area in acres.**

**RECURRENCE INTERVAL** - The average interval of time, stated in years, within which a given storm even will be equaled or exceeded once.

**RETENTION BASIN** - A basin designed to retard storm water runoff by having a controlled discharge system.

**RUNOFF** - That part of precipitation, which flows over the land.

**SCS** - Soil Conservation Service, United States Department of Agriculture.

**SEMIPEVIOUS SURFACE** - A surface such as stone, rock, or other materials which permits some vertical transmission of water.

**SOIL COVER COMPLEX METHOD** - A method of runoff computation developed by SCS and found in its publication Urban Hydrology for Small Watersheds, Technical Release No. 55, SCS, January, 1975, Revised 1986.

**STORM SEWER** - A system of pipes or conduits which carries intercepted surface runoff, street water or drainage but excludes domestic sewage and industrial wastes.

**STORMWATER MANAGEMENT PLAN** - The guidelines for managing storm water runoff in accordance with the provisions of this Ordinance.

**STORMWATER STRUCTURES** - Basins, pipes, swales, terraces, etc., designed and installed to collect, transport, detain and/or retain storm water.

**SUBDIVISION** - The division or redivision of a lot, tract or parcel of land by any means into two (2) 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 (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SWALE** - A low-lying stretch of land which gathers or carries surface water runoff.

#### **TIME OF CONCENTRATION**

**(Tc)** The time, in hours, that surface stormwater runoff takes to travel from the hydraulically most distant point in the drainage basin to the point under design consideration.

### **§ 143-39. General Provisions.**

- A. Basis of calculations. Computations for determining storm water runoff and discharge for the design of storm water management facilities shall be based upon the methods described in TR-55, Urban Hydrology for Small Watersheds, or other method acceptable to the Borough designee, excepting that the Rational Method may be used when the Tc is less than one-tenth (0.1) hours.
- B. Recurrence interval (storm frequency data). The rainfall shall be determined using the United States Weather Service T.P. 40, for use with TR-55, or the National Oceanic and Atmospheric Administration Technical Memorandum NWS HYDRO-35, for use

with the Rational Formula, or other valid data as deemed suitable by the Borough.

- C. Storm water runoff volumes. Storm water runoff shall be used on the following twenty-four-hour storm events or other valid data as deemed suitable by the Borough:

<b>Recurrence Interval (YEARS)</b>	<b>Storm Volume (inches of rainfall)</b>
2	2.7
10	4.0
25	4.6
50	5.0
100	5.4

- D. Storm duration. For use with TR-55 the storm rainfall shall have a twenty-four-hour duration with a SCS Type II time distribution. For use with the Rational Formula, the rainfall duration shall equal the watershed Tc.

- E. Maintenance of natural drainage ways. All-natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an exception is approved by South Greensburg Borough or official representative thereof. All encroachment activities shall comply with Chapter 105, Water Obstructions and Encroachments, of Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection.

- F. Method of stormwater runoff detention and control.

1. The following is a list of detention and control methods suitable for use in stormwater management systems. The selection of control methods is not limited to the ones present on this list:
  - a. Detention and/or retention structures
  - b. Grass channels and vegetated strips
  - c. Routed flow over grass
  - d. Decreased impervious areas coverage
  - e. Porous pavement and concrete lattice block surface

- f. Cisterns and underground reservoirs including piping systems
  - g. Rooftop storage
  - h. Parking lot and street ponding
2. The Borough, however, reserves the right to approve or deny any or all of the above control methods as to any individual project. Certain other control methods which meet the criteria of this subsection will be permitted when approved by the Borough or an official representative thereof.

## **ARTICLE X**

### **System Design**

#### **§ 143-40. Design Criteria.**

- A. Total system requirements. All pre-development calculations shall be based upon existing land use features. Agricultural lands shall be considered as using conservation treatment or in good condition regardless of the current condition.
- 1. Release rates from subdivisions or land developments shall be based on the runoffs calculated pursuant to recurrence intervals as set forth in §905 above.
  - 2. Storage structures shall be designed so that the post-development ten-year peak discharge rate will not exceed the pre-development two-year peak discharge rate. Also, the design should assure that the post-development fifty-year peak discharge rate does not exceed the pre-development twenty-five-year peak discharge rate.
  - 3. All storage structures or facilities will be designed with emergency spillways sufficient to handle the one-hundred-year post-development storm event less flow through the primary spillway.

4. Culverts, pipes and other water-carrying structures shall be designed to handle the peak discharge from the ten-year post-development storm event. All pipes shall be provided with an end sections or end wall. Refer to Plate A.
- B. Stormwater inlets. The maximum spacing between storm water inlets shall be designed according to the ten-year storm flow and the capacity of the inlets, considering gradient of roadway, maximum allowable street flowing and drainageway capacity. When a possibility of clogging of grates, side opening or combination inlets exists, use the capacity reduction factors shown in Table 1 applied to theoretical capacity of the inlet. The maximum amount of water that should be bypassed on to the next downstream inlet for inlets on continuous grades is ten percent (10%).
- C. The minimum allowable pipe diameter shall be fifteen (15) inches unless approved by the Borough or the Borough's representative. Horizontal and vertical curves with radii of one hundred (1))0 feet or greater are allowed for all pipe sizes.
- D. Spacing of structures. The maximum allowable spacing between structures to be used for inspecting and cleaning storm sewers shall be based on the pipe size and spacing shown in Table 3.
- E. Open channels. Maximum allowable velocities of flow in swales, open channels and ditches as relating in slope and grass cover are shown in Table 4.
- F. Spillway design. The outlets for the retention ponds shall consist of a combination of principal and emergency spillways. The outlets must pass the peak runoff expected from the drainage area for one-hundred-year storm without damage to the embankment of the pond.
- G. Principal spillway. The principal spillway shall consist of a solid vertical pipe or concrete box joined by a watertight connection to a horizontal pipe (barrel) extending through the embankment and out-letting beyond the downstream toe of the fill. The principal spillway shall have a minimum capacity of two-tenth (0.2) cfs per acre of drainage area when the water surface is at the crest of the emergency spillway. The maximum capacity of the barrel will be the twenty-five-year pre-development flow. The construction materials must be

approved by the Borough. (Refer to Plate A attached hereto and incorporated herein).

- H. Design elevations. The crest of the principal spillway shall be a minimum of one and zero-tenths (1.0) feet below the crest of the emergency spillway. The crest of the principal spillway shall be a minimum of three (3) feet below the top of the embankment. (Refer to Plate A attached hereto and incorporated herein).
- I. Anti-vortex and trash rack. An anti-vortex device and trash rack shall be attached to the top of the principal spillway to improve the flow of water into the spillway and prevent floating debris from being carried out of the basins. The anti-vortex device shall be of the concentric type as shown in Plate B and Plate C (which are attached hereto and incorporated herein) or approved equivalent.
- J. Base. The base of the principal spillway must be firmly anchored to prevent its floating. If the riser of the spillway is greater than ten (10) feet in height, computations must be made to determine the anchoring requirements. As a minimum, a factor of safety of one and twenty-five hundredths (1.25) shall be used [downward forces = one and twenty-five hundredths (1.25) x upward forces]. For risers ten (10) feet or less in height, the anchoring may be done in one (1) of the two (2) following ways:
  - 1. A concrete base eighteen (18) inches thick and twice the width of the riser diameter shall be used and the riser embedded six (6) inches into the concrete. (See Plate D attached hereto and incorporated herein, for design details).
  - 2. A square steel plate, a minimum of one-fourth (1/4) inch thick and having a width equal to twice the diameter of the riser shall be welded to the base of the riser. The plate shall then be covered with two and five-tenths (2.5) feet of stone, gravel or compacted soil to prevent flotation. (See Plate D attached hereto and incorporated herein, for design details.)
- K. Barrel. The barrel of the principal spillway, which extends through the embankment, shall be designed to carry the twenty-five-year pre-development flow.
- L. Anti-seep collars.

1. Anti-seep collars shall be used on the barrel of the principal spillway within the normal saturation zone of the embankment to increase the seepage length by at least ten percent (10%) if either of the following conditions is met:
    - a. The settled height of the embankment exceeds ten (10) feet.
    - b. The embankment has a low silt clay content and the barrel is greater than ten (10) inches in diameter.
  2. Anti-seep collars shall be installed within the saturated zone. The maximum spacing between collars shall be fourteen (14) times the projection of the collar above the barrel. Collars shall not be closer than two (2) feet to a pipe joint. Connections between the collars and the barrel shall be watertight. See Plates E, F, and G for requirements and details on anti-seep collars.
- M. Emergency spillway. The emergency spillway shall consist of an open channel constructed adjacent to the embankment over undisturbed material. The emergency spillway shall be designed to carry the peak rate of runoff expected from a one-hundred-year storm, less any reduction due to the flow through the principal spillway. (See Plates H and I, attached hereto and incorporated herein, for design of the emergency spillway.)
- N. Embankment. The material and construction for the embankment shall meet the requirements of PADOT Publication 408, §206 "Embankment."
- O. Fence. A chain link fence must be installed around the pond at a height of six (6) feet. A ten-foot wide gate with lock and keys must be provided to allow access for future maintenance. Fence details and specifications shall be submitted to the Borough for approval. The fence requirements are waived where detention swales are utilized for storage. The maximum water depth in swales shall not exceed 2.0 feet with an average depth of 1.0 foot.
- P. Access road. The developer shall provide a ten-foot wide access road constructed of 2B stones at a depth of four (4) inches. Such access road shall run from the paved township street to the retention pond.



## **ARTICLE XI**

### **Applications for Approval of Facilities**

#### **§ 143-41. Standards for Approval.**

Prior to the final approval of subdivision, land development or any activity listed in §903 or the issuance of any permit or the commencement of any land disturbance activity, the owner, sub divider, developer or his/her agent shall submit a storm water management plan to South Greensburg Borough for approval. The plan shall meet the requirements set forth herein and shall also meet all requirements of Title 25, Chapter 102, of the Rules and Regulations of the Pennsylvania Department of Environmental Protection. A copy of the Storm Water Management Plan shall also be provided to the Westmoreland Conservation District for review and comment.

#### **§ 143-42. Plan Requirements.**

The following items, where appropriate, shall be included in the plan:

A. General.

1. A general description of the project.
2. A general description of the storm water controls both during and after development.
3. Expected project time schedule, including anticipated start and completion dates.
4. A statement of the training and experience of the person(s) preparing the plan.
5. An executed signature block by a registered professional engineer, registered land surveyor or registered architect stating as follows:

"I, \_\_\_\_\_, have prepared and hereby certify that the storm water management plan meets all design standards and criteria of South Greensburg Borough's Storm Water Management Ordinance."

B. Map(s) of the project area showing:

1. The location of the project relative to highways, municipalities or other identifiable landmarks.
2. Existing contours at intervals of two (2) feet. In areas of steep slope [greater than ten percent (10%)], five-foot contour intervals may be used.
3. Streams, lakes, ponds or other bodies of water within the project area or adjacent to the site affected by runoff from the project.
4. Other physical features, including wetlands, existing drainage swales and areas of natural vegetation to be preserved.
5. The location of existing overhead and underground utilities, sewers and water lines.
6. The location of proposed underground utilities, sewers and water lines.
7. Soil types and boundaries.
8. Proposed changes to land surface and vegetative cover.
9. Areas to be cut or filled.
10. Proposed structures, roads, paved areas and buildings.
11. Final contours at intervals of two (2) feet. In areas of steep slope [greater than ten percent (10%)], five-foot contour intervals may be used.
12. The location where water will exit the site and the means for discharging.

C. Storm water management controls. All storm water management controls must be shown on a map and described. Such description shall include:

1. All control devices or methods, such as rooftop storage, semi pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention and retentions ponds, storm sewers or underground storage.
2. A schedule for installation of the control measures and devices.

3. All calculations, assumptions and criteria used in the design of the control device or method.
  4. Sufficient rights-of-way which must be provided around all storm water management structures and from such structures to a public right of way.
- D. Maintenance program. A maintenance program for all storm water management control facilities must be included. This program must include the proposed ownership for the control facilities and detail the financial responsibility for any required maintenance.
- E. Priorities. The following priority process is established for facility ownership and maintenance:
1. Single Family Development (Individual lots)
    - a. As first priority, the facilities shall be incorporated within individual lots so that the respective lot owners will own and be responsible for maintenance in accordance with recorded deed restrictions.
    - b. The second priority, in the event that the above priorities cannot be achieved, is to dedicate the facilities to the Township in accordance with this chapter and pursuant to the regulations and requirements as established hereunder.
  2. Other Developments. All other developments shall own and maintain their storm water facilities. South Greensburg Borough will not own or maintain storm water facilities in commercial, industrial, institutional, or multi-family developments.

#### **§ 143-43. Submission of Plan.**

- A. The plan shall be accompanied by the requisite fee, determined by Resolution of the Council of South Greensburg Borough.
- B. Three (3) copies of the completed plan and calculations must be submitted.

#### **§ 143-44. Plan Approval.**

- A. South Greensburg Borough or its designee shall review the plan and provide written comments to the developer or his/her agent. Failure to address these comments will result in automatic disapproval of the plan.
- B. South Greensburg Borough or its designee shall notify the applicant within sixty (60) days from receipt of a completed plan submission of its decision to approve or disapprove the plan.
- C. Any disapproval shall contain the reasons for disapproval and a listing of the plan deficiencies.
- D. Failure of South Greensburg Borough or its designee to render a decision within sixty (60) days' time shall be deemed an approval.
- E. The applicant must secure Westmoreland Conservation District Approval for both Erosion and Sedimentation Control and Storm Water Management prior to Borough approval.

#### **§ 143-45. Modification of Plan.**

- A. A modification to an approved storm water management plan shall follow the same procedure as outlined in paragraph 11. A modification is required when a change in control methods, techniques or the relocation or redesign of control measures is proposed.

### **ARTICLE XII**

#### **Certifications, Inspections, Submission of Drawings, Rights of Entry and Compliance**

#### **§ 143-46. Certification: Inspection.**

The developer must submit a certification by a Pennsylvania registered professional engineer, registered land surveyor or registered architect, which certificate shall certify that all elements of the approved plan have been constructed as designed and approved.

- A. South Greensburg Borough or its designee may inspect all phases of development of the site.
- B. It is the responsibility of the developer to notify South Greensburg Borough or its designee at least forty-eighty (48) hours in advance of the completion of each identified phase of development.
- C. Any portion of the work which does not comply with the approved plan must be corrected by the developer. No work may proceed on any subsequent phase of the storm water management plan, the subdivision or land development or building construction until the required corrections have been made.

#### **§ 143-47. As-Built Drawings.**

- A. The Municipality shall require an "As-Built Drawings" of all storm water improvements and an explanation of any discrepancies with the terms of the proposed storm water management plan.
- B. Following construction, the developer shall submit drawings bearing the seal of a registered professional engineer indicating that the as-built improvements called for in the approved plan have been constructed according to the plans and specifications as approved by South Greensburg Borough. No occupancy of the structure for which the storm water management plan was prepared will be permitted until the as-built drawings have been received by the Borough and approved by their designee.

### **ARTICLE XIII**

#### **Fees, Expenses, Financial Guarantees, Ownership and Operation of Facilities**

#### **§ 143-48. Fees.**

- A. Fees covering costs to South Greensburg Borough for plan review and inspections shall be established by Resolution of the Borough. No approval to begin any work on the project shall be issued until the requisite fees have been paid.

- B. Modification of an existing storm water management plan shall require the payment of additional fees.

#### **§ 143-49. Section Financial Guarantees.**

- A. Financial security for construction. The developer or lot owner shall provide financial security as a construction guaranty, in a form to be approved by the Township, in an amount equal to one hundred ten percent (110%) of the full costs to install the facilities required by the approved plan. The financial security shall be released only after receipt by the Borough of certification and as-built drawings, as required.
- B. Financial security for maintenance. Upon completion of any storm water management facility within South Greensburg Borough, the developer shall provide financial security, in a form approved by the Borough, for maintenance guaranties as follows:
  - 1. Construction maintenance security. The construction maintenance security shall be in an amount equal to fifteen (15%) of the cost of the installation and shall be used as financial security to guarantee the stability of the newly established facilities and re-vegetation for a period of one (1) year.
  - 2. Long-term maintenance security. The long-term maintenance security shall be in an amount equal to a figure which shall be determined by the Borough to be the estimated cost of maintenance of the stormwater management facility for a period of ten (10) years or by deposit with the Borough of an amount determined by the Borough Engineer as to be sufficient to provide for a long-term maintenance of said facility.

#### **§ 143-50. Ownership and Maintenance of Facilities.**

Unless storm water management facilities are constructed as part of a subdivision dedicated to the Borough where the Borough agrees to accept the dedication of the storm water management facilities, any storm water management facilities will not be owned or maintained by South Greensburg

Borough but shall be owned and maintained by the owners of the private property on which such facilities are located.

- A. Maintenance by private entity. When a private entity retains ownership of any storm water management facility, such entity shall be responsible for maintenance of the facility. In such case, approval of storm water management facility plans shall be conditioned upon the private entity agreeing to be responsible for all maintenance of the storm water management facility. Any such agreement shall be in writing, shall be in recordable form and shall contain provisions permitting inspection at any reasonable time, by South Greensburg Borough or its designee, of all such facilities deemed critical to the public welfare; provided further, however, that said maintenance by a private entity shall be secured by performance security in an amount equal to one hundred and ten percent (110%) of the costs as determined by the Borough to be necessary to adequately maintain said system.
- B. Maintenance by individual lot owners. When any storm water management facility is located on an individual lot and when maintenance thereof is the responsibility of that landowner, a description of the facility or systems and the terms of the required maintenance shall be incorporated on the plat of the property. The plat shall be recorded with the Westmoreland County Recorder of Deeds within ninety (90) days following Borough approval. In addition, the Borough may require as a condition of approval that any deed conveying any interest in such lot contain language indicating that the conveyance is subject to an express covenant by the grantee that the grantee will maintain the storm water management facility.
- C. Failure to maintain. The failure of any person, individual lot owner or private entity to properly maintain any storm water management facility shall be construed to be a violation of this chapter is declared to be a public nuisance, subject to those penalties prescribed in Article XIV hereafter.

**ARTICLE XIV**  
**Requests for Variances, Penalties and Other**  
**Violations of this Chapter**

**§ 143-51. Most Restrictive Provisions to Prevail.**

In the event any other storm water management plan is duly adopted and approved by the appropriate governmental agency or body which is more restrictive than the provisions of this Ordinance the more restrictive storm water management plan shall prevail.

**§ 143-52. Violations and Penalties.**

- A. Any activity conducted in violation of this chapter is declared to be a public nuisance.
  - 1. Inspections. Upon presentation of proper credentials, duly authorized representatives of South Greensburg Borough may enter at any reasonable time upon any property with the Borough to investigate or to ascertain the condition of the subject property with regard to any matter regulated by this chapter.
  - 2. Notice. Whenever any person shall have violated the terms of this chapter, the Borough shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person the Borough deems responsible for the property of the violation directing him to comply with all terms of this chapter within seven (7) days, or such additional period, not to exceed thirty (30) days, and the Borough shall give notice to the owner, applicant, developer, property manager or other persons deemed responsible for the property, or responsible for the creation of the violation, that if the violation is not corrected, the Borough may correct the same and charge the landowner, or other person responsible, with the cost thereof plus penalties, as specified herein, for failure to comply.
  - 3. Service of notice. Such notice shall be delivered by the United States Mail, first class, postage prepaid, and by certified mail or



by personal service, or if the property is occupied, by posting the notice at a conspicuous place upon the subject property.

- B. Any person who fails to comply with the Notice prescribed in this chapter within the period stated in the notice of the Borough, or who shall violate or fail to comply with any other term or provision of this chapter, shall be guilty of summary offense and, upon conviction thereof, shall be sentenced to pay a fine of not less than \$500.00, nor more than \$1000.00. Each day a violation continues shall constitute a separate violation without the necessity of filing a subsequent citation. Upon failure to pay such fine, or in lieu thereof, the violator shall be sentenced to incarceration for the maximum period permitted for summary offenses under the laws of the Commonwealth of Pennsylvania.
- C. Corrective measures by Borough; Costs. In the event that the owner, developer, occupant, applicant, property manager of the other person responsible for either the property or the conditions existing thereupon, fails to comply with the terms of this chapter within the time specified by the Borough, the Municipality may take any actions necessary to remove the public nuisance. The costs of removal of the violation shall be in addition to any penalties for violations for failure to comply.
- D. Additional legal proceedings. In addition to those fines for violations, costs and penalties provided for by this chapter, the Municipality may institute proceedings in a Court of law or equity to collect damages and/or to require owners and/or occupants of real estate to comply with the provisions of this chapter.
- E. Municipal lien. The costs of removal, fine, and penalties herein above mentioned may be entered by the Municipality as a lien against such property in accordance with existing provisions of law or collected through such other methods available to the Borough for the collection of same, such method being deemed to include, but not be limited to, the initiation of an appropriate civil action.
- F. Existing rights and penalties preserved. The collection of any penalty under the provisions of this chapter shall not be construed as an estoppel to the Commonwealth of Pennsylvania, the County of Westmoreland, South Greensburg Borough or any aggrieved person

from proceeding in any Courts of law or equity to abate nuisances under other existing laws or to restrain, at law or in equity, a violation of this chapter. Moreover, it is hereby declared to be the purpose of this chapter to provide additional and cumulative remedies to abate nuisances.

### **§ 143-53. Appeals and Variances.**

Any person aggrieved by any action of the designee of South Greensburg Borough may appeal to the Borough Council within thirty (30) days of that action. Any property owner or developer may request a variance from the strict application of any provision of this chapter arising out of problems with topography or the configuration of parcels of land. Such variances may be requested from the Borough Council of South Greensburg Borough, who shall act upon such requests pursuant to the Local Agency Law. Fees for such appeals and variances shall be established from time to time by Resolution of the Borough Council of South Greensburg Borough.

## STORMWATER MANAGEMENT

**TABLE 1**  
**SOUTH GREENSBURG BOROUGH**  
**INLET CAPACITY REDUCTION FACTORS**  
**ASSUMING PARTIAL CLOGGING**

<b><u>Condition</u></b>	<b><u>Inlet Type</u></b>	<b><u>Reduction Factor*</u></b>
Sump	Side Opening	0.80
Sump	Grate	0.50
Sump	Combination	0.65
Continuous grade	Side opening	0.80
Continuous grade	Side opening with deflector	0.75
Continuous grade	Longitudinal bars	0.60
Continuous grade	Transverse bars	0.50
Continuous grade	Combination	0.60

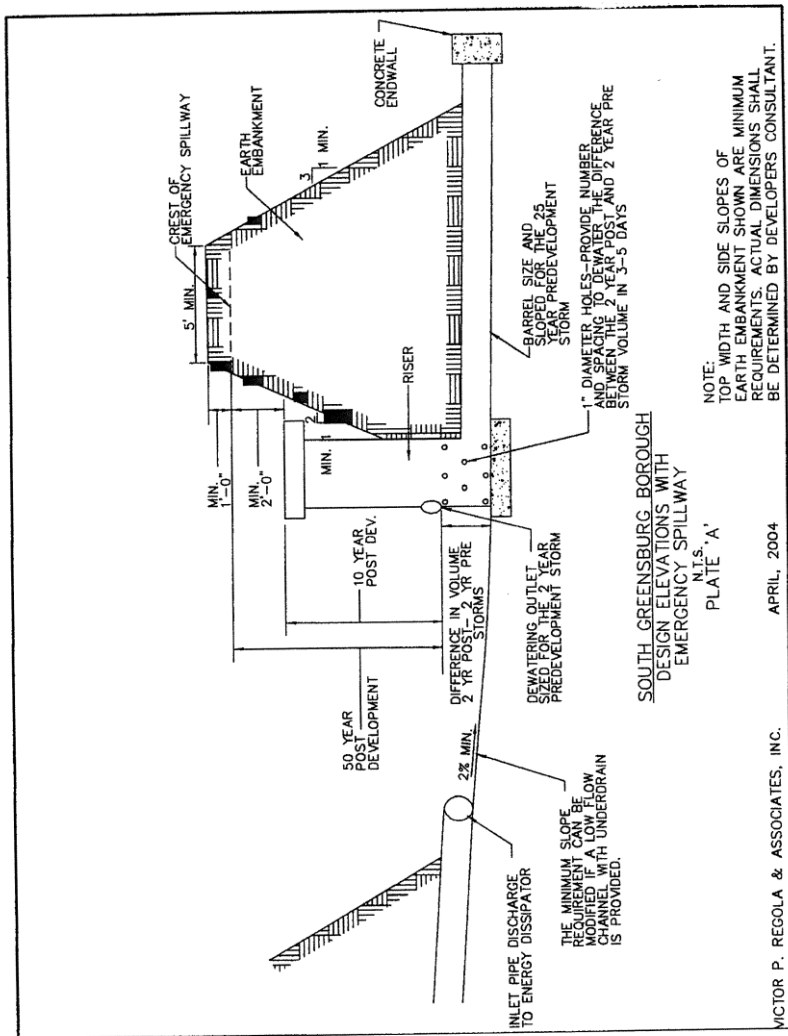
NOTES:

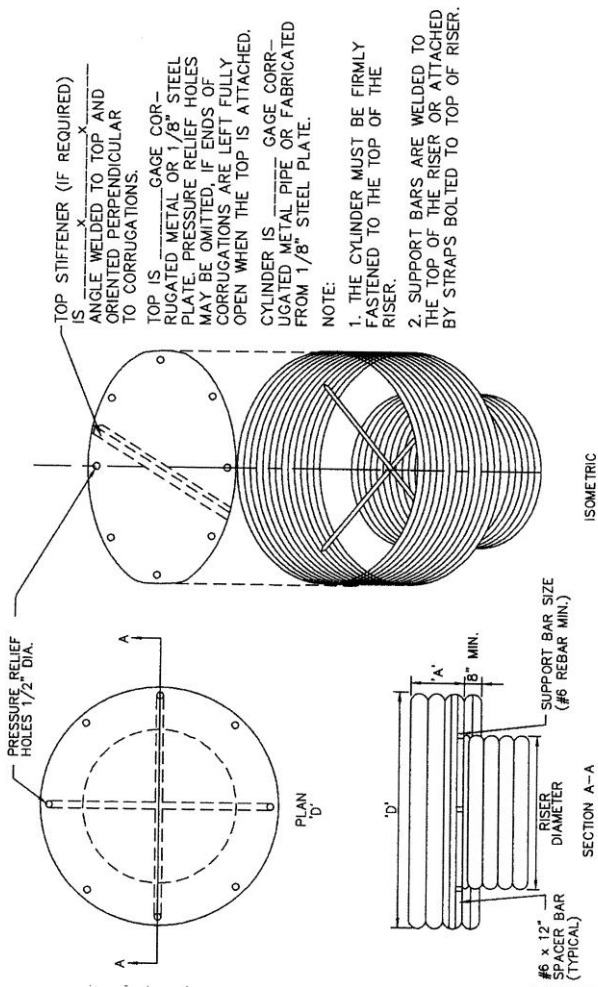
\*Percentage of theoretical capacity.

## **STORMWATER MANAGEMENT**

**TABLE 2**  
**SOUTH GREENSBURG BOROUGH**  
**SPACING OF INSPECTION AND CLEANOUT**  
**STRUCTURES FOR STORM SEWERS**

<b><u>Size of Pipe</u></b> <b><u>(Inches)</u></b>	<b><u>Maximum Allowable Spacing</u></b> <b><u>(Feet)</u></b>
15	400
18 - 36	500
42 - 60	700
66 or larger	Unlimited





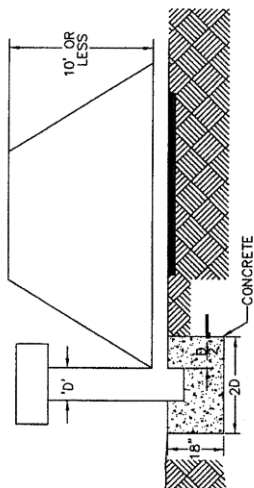
**STORMWATER MANAGEMENT  
SOUTH GREENSBURG BOROUGH  
CONCENTRIC TRASH RACK AND ANTI-VORTEX DEVICE DESIGN TABLE**

<b>Riser Diam. In.</b>	<b>Cylinder</b>			<b>Minimum Size Support Bar</b>	<b>Minimum Top</b>	
	<b>Diam. In.</b>	<b>Thick., Gage</b>	<b>H. in.</b>		<b>Thickness</b>	<b>Stiffener</b>
12	18	16	6	#6 Rebar	16 Ga.	—
15	21	16	7	"	"	—
18	27	16	8	"	"	—
21	30	16	11	"	"	—
24	36	16	13	"	14 Ga.	—
27	42	16	15	"	"	—
36	54	14	17	#8 Rebar	12 Ga.	—
42	60	14	19	"	"	—
48	72	12	21	1- 1/4" pipe or 1- 1/4x1-1/4x1/4 angle	10 Ga.	—
54	78	12	25	"	"	—
60	90	12	29	1-1/2" pipe or 1-1/2x1-1/2x1/4 angle	8 Ga.	—
66	96	10	33	2" pipe or 2x2x3/16 angle	8 Ga. w/stiffener	2x2x1/4 angle
72	102	10	36	"	"	2-1/2x2- 1/2x 1/4 angle
78	114	10	39	2-1/2" pipe or 2x2x1/4 angle	"	—
84	120	10	42	2-1/2" pipe or 2-1/2x2-1/2x1/4 angle	" "	2-1/2x2- 1/2x5/16 angle

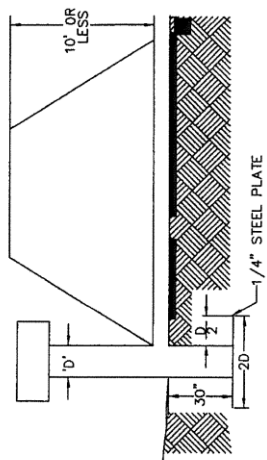
Note: The criterion for sizing the cylinder is that the area between the inside of the cylinder and the outside of the riser is equal to or greater than the area inside the riser. Therefore, the above table is invalid for use with concrete pipe risers.

**PLATE C**

CONCRETE BASE FOR EMBANKMENT  
10' OR LESS IN HEIGHT

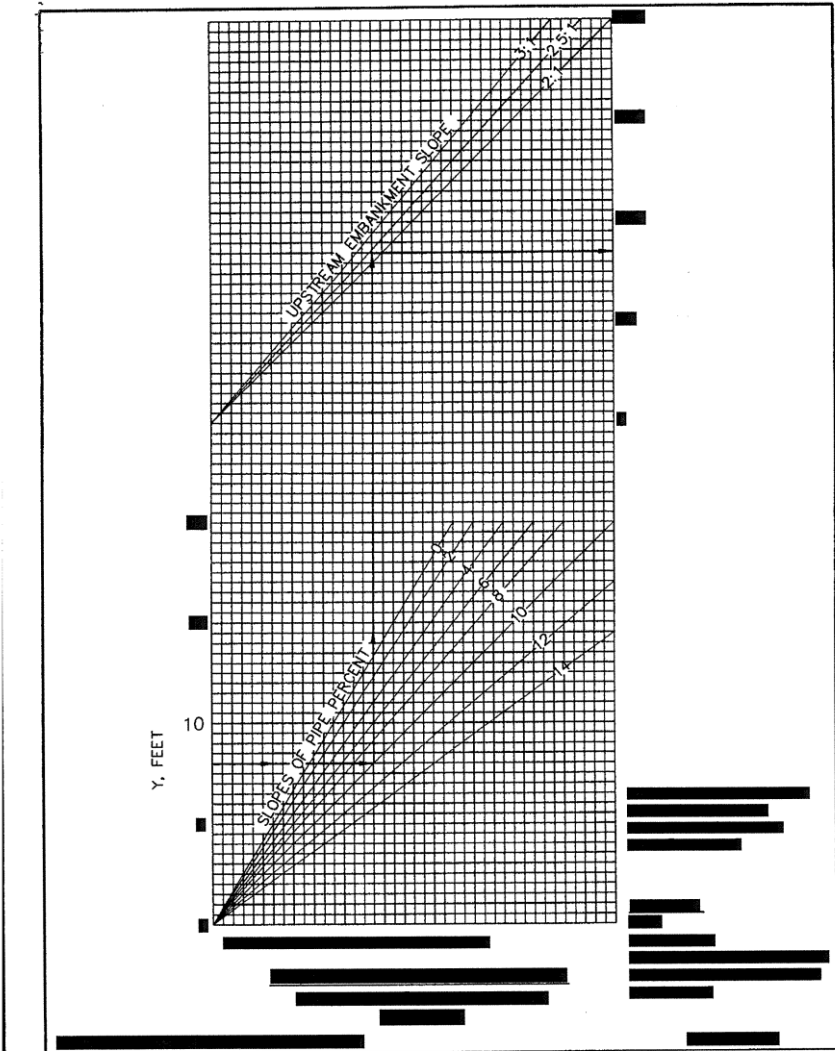


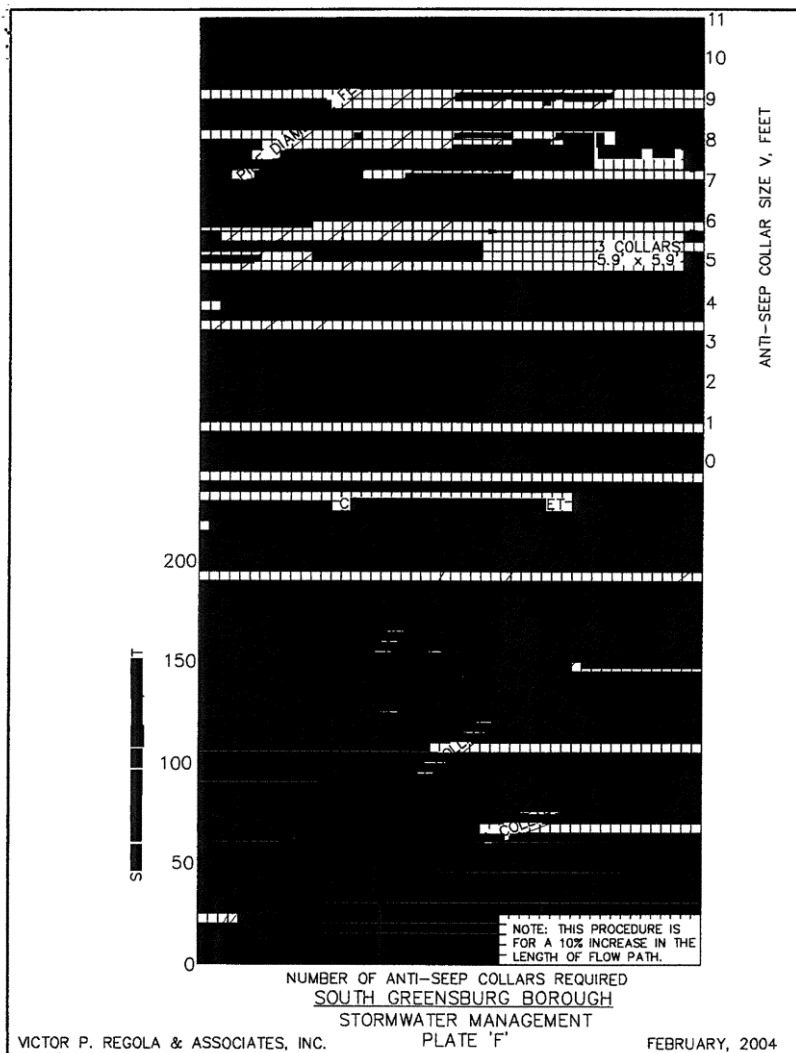
STEEL BASE EMBANKMENT  
10' OR LESS IN HEIGHT



SOUTH GREENSBURG BOROUGH  
RISER PIPE BASE CONDITIONS FOR EMBANKMENTS  
LESS THEN 10' HIGH  
PLATE 'D'







NOTES FOR COLLARS

1. ALL MATERIALS TO BE IN ACCORDANCE WITH CONSTRUCTION AND CONSTRUCTION MATERIAL SPECIFICATIONS.
2. WHEN SPECIFIED ON THE PLANS, COATING OF COLLARS SHALL BE IN ACCORDANCE WITH CONSTRUCTION AND CONSTRUCTION MATERIAL SPECIFICATIONS.

DETAILS OF METAL PIPE ANTI-SEEP COLLAR

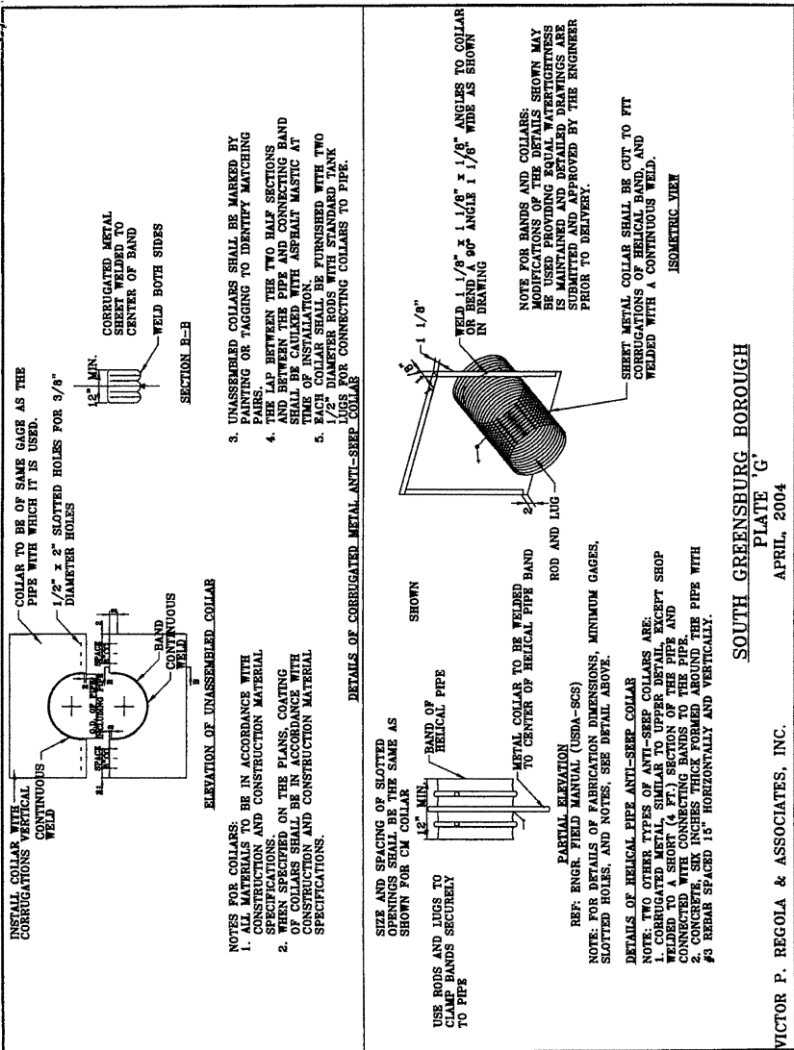
NOTE: TWO OTHER TYPES OF ANTI-SEEP COLLARS ARE:

1. CORRUGATED METAL, \*\*\*\*\* TO UPPER CERIAL, EXCEPT SHOP WELDED TO A SHORT (2 FT.) SECTION OF THE PIPE AND CONNECTED WITH CONNECTING BANDS TO THE PIPE.
2. CONCRETE, SIX INCHES THICK FORMED AROUND THE PIPE WITH 13 REBAR COATED 15" HORIZONTALLY AND VERTICALLY.

3. UNASSEMBLED COLLARS SHALL BE MARKED BY PAINTING OR TAGGING TO IDENTIFY \*\*\*\*\*  
THE LAP BETWEEN THE TWO HALF SECTIONS  
AND BETWEEN THE PIPE AND CONNECTING \*\*\*\*\*  
SHALL BE CAULKED WITH ASPHALT MASTIC AT \*\*\*\*\* OF INSTALLATION.
5. EACH COLLAR SHALL BE FURNISHED WITH TWO 1/2" DIAMETER RODS WITH STANDARD TANK LUGS FOR CONNECTING COLLARS TO PIPE.

NOTE FOR BANDS AND COLLARS:  
MODIFICATIONS OF THE DETAILS  
SHOWN MAY BE USED PROVIDING  
EQUAL WATER-TIGHTNESS IS  
SAINTAINED AND DETAILED  
DRAWINGS ARE

SOUTH GREENSBURG BOROUGH  
DETAILS OF CORRUGATED METAL ANTI-SEEP COLLAR  
PLATE 'G'

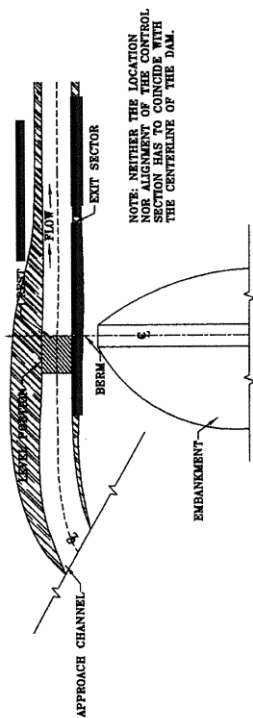


SOUTH GREENSBURG BOROUGH

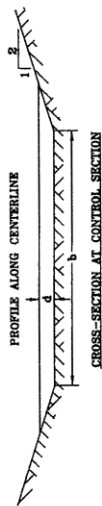
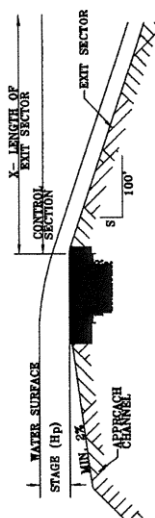
PLATE 'G'

APRIL, 2004

VICTOR P. REGOLA & ASSOCIATES, INC.



PLAN



**SOUTH GREENSBURG BOROUGH  
STORMWATER MANAGEMENT  
PLATE 'H'**

APRIL, 2004

VICTOR P. REGOLA & ASSOCIATES, INC.

## DESIGN DATA FOR EARTH SPILLWAYS

[illegible]

**SOURCE: USDA-SCS**

PLATE I

## **Chapter 144**

### **STREETS AND SIDEWALKS**

#### **ARTICLE I**

##### **Sidewalk Regulations**

**§ 144-1. Permit required; fee; inspection.**

#### **ARTICLE II**

##### **Excavations in Streets**

**§ 144-2. Title.**

**§ 144-3. Definitions; word usage.**

**§ 144-4. Permit required.**

**§ 144-5. Application.**

**§ 144-6. Duration of permit; fees.**

**§ 144-7. Surety bond.**

**§ 144 8. Routing of traffic.**

**§ 144-9. Fire equipment.**

**§ 144-10. Protection and accommodation of traffic.**

**§ 144-11. Removal and protection of utilities.**

**§ 144-12. Protection of adjoining property.**

**§ 144-13. Sidewalk excavations.**

**§ 144- 14. Protection of pedestrians; lighting of obstructions.**

**§ 144-15. Attractive nuisance.**

**§ 144-16. Care of excavated material.**

**§144-17. Damage to existing improvements; repair by borough**

- § 144-18. Property lines and easements.
- § 144-19. Cleanup
- § 144-20. Protection of watercourses, sewers and drains.
- § 144-21. Breaking through pavement.
- § 144-22. Borings.
- § 144-23. Backfilling.
- § 144-24. Backfill material.
- § 144-25. Restoration of surface.
- § 144-26. Restoration by borough; assessment of costs.
- § 144-27. Trenches.
- § 144-28. Prompt completion of work required.
- § 144-29. Urgent work.
- § 144-30. Emergency action.
- § 144-31. Reduction of noise, dust and debris.
- § 144-32. Newly paved streets not to be excavated.
- § 144-33. Inspection.
- § 144-34. Drawings.
- § 144-35. Applicability.
- § 144-36. Public service companies.
- § 144-37. Insurance.
- § 144-38. Borough not liable.
- § 144-39. Violations and penalties.



## **ARTICLE III**

### **Defiling of Streets**

- § 144-40. Proper Operation of Vehicles.**
- § 144-41. Defiling of Streets Unlawful.**
- § 144-42. Liability of Property Owner and Lessee.**
- § 144-43. Penalties.**

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

## **ARTICLE I**

### **Sidewalk Regulations**

**§ 144-1. Permit required; fee; inspection. [Amended 3-10-2014 by Ord. No. 2014-03.]**

- A. No curbing, sidewalk repair or replacement, or sidewalk aprons within the Borough of South Greensburg shall be demolished, repaired, replaced, or newly installed until a permit shall first have been obtained, which permit shall indicate the location of the proposed work, the purpose thereof, and the manner of the demolition, repair, replacement, or installation of the curb, sidewalk, or apron, and the time within which the work is to be completed.
- B. A fee of in the amount designated by Council pursuant to §1-16 herein shall be paid to the Borough of South Greensburg for the obtaining of said permit in order to cover costs of administration.
- C. Further, any demolition, repair, replacement, or new installation shall be subject to the inspection of the Code Enforcement Officer, Borough Engineer, Street Commissioner and/or other designated Borough representative.

D. All new construction, repairs, replacements, alterations or new installations shall comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et seq.* ("ADA"), where applicable.

E. Sidewalk Standards.

When constructing new sidewalks, or replacing fifty percent (50%) or more of the sidewalks on a lot of land, said sidewalks shall be uniform throughout the entirety of the frontage on each right of way. The width shall be equal to and consistent with the sidewalks on the adjacent properties. If the adjacent properties along the same right of way have different sidewalk widths, the sidewalk width on the subject property shall be equal to the width of the wider adjacent sidewalk. A property that has sidewalk abutting more than one right of way may have sidewalk widths that are different on each different right of way, but only for the purpose of being uniform with sidewalks on adjacent properties. Otherwise, the sidewalks on properties with sidewalks on multiple rights of way shall be uniform throughout the entire property. (Example: The subject property is on the corner of Avenue A and Alley 1. The adjacent property on Avenue A has a sidewalk along Avenue A that is 5 feet wide. The adjacent property on Alley 1 has a sidewalk along Alley 1 that is 4 feet wide. The subject property may have a sidewalk on Avenue A that is 5 feet wide and a sidewalk on Alley 1 that is 4 feet wide.)

F. Duty to Repair.

Every owner of real property in the Borough of South Greensburg shall be responsible for maintaining the sidewalks in their property, including those sidewalks located in the public right-of-way in or along their property line. If the Borough determines that a sidewalk requires maintenance, the Borough shall provide notice to the property owner detailing the defective conditions of the sidewalk and directing that a certain specified repair be made. The repair shall be

made as specified in the notice within thirty (30) days of the issuance of the notice. If the repair is not made, the Borough may repair the defect itself and place a municipal claim and/or lien on the real property pursuant to the Pennsylvania Municipal Claims and Tax Liens Act, plus all costs and fees, including reasonable attorney's fees in the amount of \$250.00, or seek enforcement of this provision to a Court of competent jurisdiction.

## **ARTICLE II**

### **Excavations in Streets**

#### **§ 144-2. Title.**

This Article shall be known and may be cited as the "Street Excavation Ordinance of the Borough of South Greensburg."

#### **§ 144-3. Definitions; word usage.**

- A. For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein.

**APPLICANT** — Any person making written application to the Mayor of the borough for an excavation permit hereunder.

**BOROUGH** — The Borough of South Greensburg.

**BOROUGH COUNCIL or COUNCIL** — The Borough Council of the Borough of South Greensburg. -

**EXCAVATION WORK** — The excavation and other work permitted under an excavation permit and required to be performed under this Article.

**PERMITTEE** — Any person who has been granted and has in full force and effect an excavation permit issued hereunder.

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

- B. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

#### **§ 144-4. Permit required.**

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street unless such person shall first have obtained an excavation permit therefor from the Mayor of the borough as herein provided. Except in the event of an emergency as hereinafter described in this Article, no permit may be issued hereunder unless six (6) months' written notice prior to the issuance of such permit is given to the Borough Mayor of such person's intention to dig up, break, excavate, tunnel, undermine or in any manner break up any street or excavate in or under the surface of any street.

#### **§ 144-5. Application.**

No excavation permit shall be issued unless a written application for the issuance of any excavation permit is submitted to the Borough Mayor. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation and other data as may reasonably be required by the Borough Mayor. The application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and the location of the excavation work and such other information as may be prescribed by the Borough Mayor.

**§ 144-6. Duration of permit; fees. [Amended 10-12-2012 by Ord. No. 2012-09.]**

No permit issued hereunder shall continue for a period longer than thirty (30) days. A permit shall be required for each separate opening, and a permit fee shall be paid in the amounts designated by Council pursuant to §1-16 herein.

- A. For the first one hundred (100) square feet (or part thereof) of any opening, there shall be paid a permit fee of two hundred and fifty (\$250) dollars.
- B. For each additional one hundred (100) square feet (or part thereof), the permit fee shall be increased by fifty (\$50) dollars.

**§ 144-7. Surety bond.**

- A. **[Amended 12-11-1995 by Ord. No. 95-6]** Before an excavation permit as herein provided is issued, the applicant shall deposit with the Secretary of the borough a surety or personal bond in the amount of three hundred dollars (\$300.) for each ten (10) feet of street opening, made payable to the borough, and which surety or personal bond may, at the discretion of the borough, be held for a period up to twenty-four (24) months after said work shall have been done in order to secure the borough as hereinafter stated. The required surety bond must be:

- (1) Issued with good and sufficient surety.
- (2) Issued by a surety company authorized to transact business in the state.
- (3) Satisfactory to the Borough Attorney in form and substance.
- (4) Conditioned upon the permittee's compliance with this Article and to secure and hold the borough and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the borough, the Borough Council or any borough officer may be liable by reason of any accident or injury to persons or property through the fault of the permittee, either in

not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the Street Commissioner of the borough, all openings and excavations made in streets and to maintain any street where excavation is made in as good condition for the period of twenty-four (24) months after said work shall have been done, usual wear and tear excepted, as it was in before said work shall have been done. Any settlement of the surface within said two-year period shall be deemed conclusive evidence of defective backfilling by the permittee.

- B. Nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the borough if such repairs should prove defective. Any owner of real estate repairing or engaging another to repair his own sidewalk shall not be required to give such bond. Recovery on such bond for any injury or accident shall not exhaust the bond, but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the borough by reason of the negligence or default of the permittee of such suit or claim, any final judgment against the borough requiring it to pay for such damage shall be conclusive upon the permittee and his surety. An annual bond may be given under this provision which shall remain in force for one (1) year, conditioned as above, in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one (1) year from said date.

#### **§ 144-8. Routing of traffic.**

- A. The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Borough Mayor may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. The permittee shall route and control traffic, including its own vehicles, as directed

by the Borough Police Department. The following steps shall be taken before any highway may be closed or restricted to traffic:

- (1) The permittee must receive the approval of the Borough Mayor and the Police Department therefor.
- (2) The permittee must notify the Chief of the Fire Department of any street so closed.
- (3) Upon completion of construction work, the permittee shall notify the Borough Mayor and Borough Police Department.
- (4) In addition to any requirements imposed by the Pennsylvania Department of Transportation, flagmen shall be furnished by the permittee at its own expense.

B. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Borough Mayor will designate detours. The borough shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee, but in case there are no existing highways, the permittee shall construct all detours at its own expense and in conformity to the specifications of the Mayor. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

#### **§ 144-9. Fire equipment,**

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Material or obstructions shall not be placed within fifteen (15) feet of fireplugs. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

#### **§ 144-10. Protection and accommodation of traffic.**

The permittee shall erect and maintain suitable barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. The permittee shall construct and maintain adequate and

safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular crossings shall be constructed and maintained of minimum three-fourths-inch steel plate of adequate size and reinforcement to accommodate vehicular traffic safely. Pedestrian crossings shall be constructed and maintained of minimum three-eighths-inch steel plate or three-inch thick, twelve-inch wide wood planking of adequate length and necessary blocking. The walk shall not be less than three (3) feet in width and shall be provided with a railing if required by the Borough Mayor.

#### **§ 144-11. Removal and protection of utilities.**

The permittee shall not interfere with any existing utility without the written consent of the Borough Mayor and the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the borough shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them, and the expense of such repairs shall be charged to the permittee, and his or its bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility, and its bond shall be liable therefor. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.



#### **§ 144-12. Protection of adjoining property.**

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose, and if he cannot obtain a license from such owner, the Borough Mayor may authorize him to enter the private premises solely for the purpose of making the property safe. The permittee shall at its own expense shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove even temporarily any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the property owner or, in the case of public property, the Borough Mayor.

#### **§ 144-13. Sidewalk excavations.**

Any excavation made in any sidewalk or under a sidewalk shall be provided with a substantial and adequate footbridge over said excavation on the line of the sidewalk, which bridge shall be at least three (3) feet wide and securely railed on each side so that foot passengers can pass over safely at all times, in conformance with § 144-10.

#### **§ 144-14. Protection of pedestrians; lighting of obstructions.**

The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the borough

street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight, there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

#### **§ 144-15. Attractive nuisance.**

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety or health.

#### **§ 144-16. Care of excavated material.**

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Borough Street Commissioner shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

#### **§ 144-17. Damage to existing improvements; repair by borough.**

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code or ordinance. If upon being ordered the permittee fails to furnish the necessary labor and

materials for such repairs, the Borough Street Commissioner shall have the authority to cause said necessary labor and materials to be furnished by the borough and the cost shall be charged against the permittee, and the permittee shall also be liable on his or its bond therefor.

#### **§ 144-18. Property lines and easements.**

Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the excavation permit, and it shall be the permittee's responsibility to confine excavation work within these limits.

#### **§ 144-19. Cleanup.**

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Borough Street Commissioner. From time to time as may be ordered by the Borough Street Commissioner and in any event immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Borough Street Commissioner, said work may be done by the borough and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

#### **§ 144-20. Protection of watercourses, sewers and drains.**

The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the Borough Street Commissioner may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to

take care of all surplus water, muck, silt, slicking's or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

#### **§ 144-21. Breaking through pavement.**

Whenever it is necessary to break through existing pavement for excavation purposes, the permittee shall do so in a manner to cause straight lines with vertical edges. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

#### **§ 144-22. Borings.**

Boring, jacking or tunneling under pavements shall not be permitted except by special permission, in writing, by the Borough Street Commissioner.

#### **§ 144-23. Backfilling.**

Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Backfilling above the top of the utility pipes or similar installations shall be done with thin layers of premium backfill material. Each layer is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed four (4) inches in thickness. Layers that are power-tamped shall not exceed eight (8) inches in thickness.

#### **§ 144-24. Backfill material.**

Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid six (6) inches above the rock bottom of the trench, and the space under, around and six (6) inches above the pipe shall be backfilled

with clean river sand, noncorrosive soil or one fourth-inch mine gravel. Broken pavement, large stones and debris shall not be used in the backfill.

#### **§ 144-25. Restoration of surface.**

Any person or entity who shall open or excavate any street, alley, highway, sidewalk or pathway within this borough shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications and detail as provided by the Borough Engineer and in accordance with the specifications of the Department of transportation of the Commonwealth of Pennsylvania, where applicable, for restoration of surfaces of streets in the Borough of South Greensburg as restored; said restoration shall be supervised by the Street Commissioner of the Borough of South Greensburg. If, within two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough of South Greensburg for all necessary repairs to the permanent paving. In all cases after the work has been completed, the sum deposited less the amount of the expenses incurred by the borough, including the cost of supervision, shall be deducted from the sum deposited. In the case of public service corporations, they may exercise the option, under the terms and stipulations of this Article and the provisions hereof, to do all the above work of excavating, refilling and placing the concrete slabs in said opening with the supervision of the borough, and the same shall failure of theirs to stand up to and replace the improved surface so removed.

#### **§ 144-26. Restoration by borough; assessment of costs.**

If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, the Borough Street Commissioner, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable

for the actual cost thereof and twenty-five percent (25%) of such cost in addition for general overhead and administrative expenses. The borough shall have a cause of action for all fees, expenses and amounts paid out and do it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided, and the borough shall also enforce its rights under the permittee's surety bond provided pursuant to this Article. It shall be the duty of the permittee to guarantee and to maintain the site of the excavation work in the same condition it was prior to the excavation.

#### **§ 144-27. Trenches.**

The length of the trench that may be opened at any one (1) time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by state and federal regulations. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.

#### **§144-28. Prompt completion of work required.**

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition or as near as may be as soon as practicable and in any event not later

#### **§ 144-29. Urgent work.**

If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Borough Mayor shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

### **§ 144-30. Emergency action.**

In the event of an emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Borough Mayor's office is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

### **§ 144-31. Reduction of noise, dust and debris.**

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work noise, dust and unsightly debris and during the hours between 11:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the Borough Mayor or in the case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

### **§ 144-32. Newly paved streets not to be excavated.**

- A. The Borough Mayor shall give written notice of the borough's intention to pave or repave any street to each person owning any sewer, main, conduit or other utility in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five (5) years after the paving or repaving of such street. Such

notice shall also notify such persons that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than ninety (90) days from the date of said notice. The Borough Mayor shall also promptly mail copies of such notice to the owners of all houses, buildings and other structures abutting said street for their information and to state agencies and borough departments or other persons that may desire to perform excavation work in said borough street. Any requirement to give the Borough Mayor prior notice of applying for a street opening permit shall not apply to street openings made under this section of this Article. Within said ninety (90) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this Article, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event that any owner of real property abutting said street shall fail within said ninety (90) days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five (5) years from the date of such notice. During said five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Mayor, an emergency as described in this Article exists which makes it absolutely essential that the excavation permit be

- B. Every borough department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said ninety-day period so as to avoid the necessity for making any openings, cuts or excavations in the new pavement in said borough street during said five-year period.



### **§ 144-33. Inspection.**

The Borough Mayor shall make such inspections as are reasonably necessary in the enforcement of this Article. The Borough Mayor may promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article, subject to approval by the Council.

### **§ 144-34. Drawings.**

Users of subsurface street space shall maintain accurate drawings, plans and profiles showing the location and character of all underground structures, including abandoned installations.

### **§ 144-35. Applicability.**

The provisions of this Article shall not be applicable to any excavation work under the direction of competent borough authorities by employees of the borough or by any contractor of the borough performing work for and on behalf of the borough necessitating openings or excavations in streets.

### **§ 144-36. Public service companies.**

All persons operating public utilities in the borough under franchises granted by the borough and having the right, either by general or special permission, to enter upon streets and to open and excavate pavements, sidewalks or to disturb the surface thereof by excavation or other work shall be required to apply for a permit and promptly as practicable and to that end shall employ an adequate standing force. Any person operating any such public utility shall comply with all requirements of this Article, including the surety or personal bond and deposit requirements.

### **§ 144-37. Insurance.**

A permittee, prior to the commencement of excavation work hereunder, shall furnish the Borough Street Commissioner satisfactory evidence, in

writing, that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance of not less than three hundred thousand dollars (\$300,000.) for any one (1) person and five hundred thousand dollars (\$500,000.) for any one (1) accident and property damage insurance of not less than fifty thousand dollars (\$50,000.) duly issued by an insurance company authorized to do business in the Commonwealth of Pennsylvania.

#### **§ 144-38. Borough not liable.**

This Article shall not be construed as imposing upon the borough or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the borough or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

#### **§ 144-39. Violations and penalties.**

Any person violating any of the provisions of this Article, or filing or causing to be filed an application for a permit or certificate under this Article containing false or fraudulent misstatements shall be deemed guilty of a summary offense and, upon conviction thereof, shall be fined not more than three hundred dollars (\$300.) or shall be imprisoned for not more than ninety (90) days, or may be punished by both fine and imprisonment.

### **ARTICLE III**

#### **Defiling of Streets**

**[Added 6-14-2004 by Ord. No. 2004-06.]**

#### **§ 144-40. Proper Operation of Vehicle.**

Any vehicle transporting or carrying soil, sand, stone, dirt, debris, refuse, litter or any substance of any kind, including liquids and chemicals, over streets, alleys and thoroughfares within the Borough of South Greensburg

shall be operated as to prevent said materials from being scattered, spilled, dropped or blown from the vehicle or from the wheels, tires or under-carriage thereof.

#### **§ 144-41. Defiling of Streets Unlawful.**

It shall be unlawful to scatter, spill, dump or drop or permit to be scattered, spilled, dumped or dropped any soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, from any vehicle or from the wheels, tires or under-carriage thereof upon street, alleys and thoroughfares of the Borough of South Greensburg.

#### **§ 144-42. Liability of Property Owner and Lessee.**

In addition to the provisions of Sections 1 and 2 of this Ordinance, any property owner or Lessee of property within the Borough of South Greensburg shall be responsible for the actions of any vehicle transporting or carrying soil, sand, stone and dirt to or from property owned by said owner or leased by said Lessee and said property owner or Lessee shall be subject to all penalty provisions of this Ordinance.

#### **§ 144-43. 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 \$600.00 and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

## **CHAPTER 149**

### **TAXATION**

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**§ 149-49. Suits for Collections**

**§ 149-50. Violations and Penalties**

**§ 149-51. Interpretation.**

**[HISTORY: Adopted by the Bo rough Council of the Borough of South Greensburg. Art. I, 12-28-1989 as Ord. No. 90-2; Art. II, 12-28-1989 as Ord. No. 90-3; Art. III, 12-28-1989 as Ord. No. 90-4; Art. IV, 12-28-1989 as Ord. No. 90-5; Art. V, 12-28-1989 as Ord. No. 90-1, amended in its entirety 12-9-1991 by Ord. No. 92-1; Art. VI, 7-8-1991 as Ord. No. 91-4. Section 149-46 amended at time of adoption of Code; see Ch. 1, General**

**Provisions Art. I. Amended sections 149-38 through 149-51 on 12-10-2007 by Ord. No. 2008-02. Other amendments noted where applicable.]**

**ARTICLE I**  
**Realty Transfer Tax**  
**[Adopted 12-28-1989 as Ord. No. 90-2]**

**§ 149-1. Short title.**

This Article shall be known as the "Realty Transfer Tax Ordinance of the Borough of South Greensburg."

**§ 149-2. Authority.**

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

**§ 149-3. Definitions.**

Unless otherwise expressly stated, the following terms shall have, for the purpose of this Article, the meanings herein indicated:

**ASSOCIATION** — A partnership, limited partnership or any other form of unincorporated enterprise owned or conducted by two (2) or more persons other than a private trust or decedent's estate.

**CORPORATION** — A corporation, joint-stock association, business trust or banking institution which is organized under the laws of this

commonwealth, the United States or any other state, territory, foreign country or dependency.

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

**FAMILY FARM CORPORATION** — A corporation of which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock of the corporation is continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

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

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



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

**REAL-ESTATE--The-following:**

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

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

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

**TITLE TO REAL ESTATE:**

- A. Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific

number of years, including without limitation an estate in fee simple, life estate or perpetual leasehold; or

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

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

**VALUE:**

- A. In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate, provided that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale;
- B. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania

Department of Revenue for Pennsylvania realty transfer base calculations;

- C. In the case of an easement or other interest in real estate the value of which is not determinable under Subsection A or B, the actual monetary worth of such interest; or
- D. The actual consideration for or actual monetary worth of any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

#### **§ 149-4. Imposition of tax; interest.**

- A. Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording shall be subject to pay for and in respect to the transaction or any part thereof a tax at the rate of one percent (1%) of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty (30) days of acceptance of such document or within thirty (30) days of becoming an acquired company.
- B. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds whereon the date of the payment of the tax, the amount of the tax and the signature of the collecting agent shall be set forth.
- C. It is the intent of this Article that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in the Local Tax Enabling Act, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6901 et seq., so that if any other political subdivision shall impose or hereafter shall impose such tax on the

same person or transfer then the tax levied by the Borough of South Greensburg under the authority of the Act shall, during the time such duplication of the tax exists except as hereinafter otherwise provided, be one-half ( $\frac{1}{2}$ ) of the rate, and such one-half-rate shall become effective without any action on the part of the Borough of South Greensburg; provided, however, that the Borough of South Greensburg and any other political subdivision which imposes such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half ( $\frac{1}{2}$ ) of the rate herein provided, they will impose respectively different rates the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.

- D. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

#### **§ 149-5. Exempt parties.**

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

#### **§ 149-6. Excluded transactions.**

- A. The tax imposed by § 149-4 shall not be imposed upon:

- (1) A transfer to the commonwealth or to any of its instrumentalities, agencies or political subdivisions by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property line adjustments, provided that said reconveyance is made within one (1) year from the date of condemnation.

- (2) A document which the Borough of South Greensburg is prohibited from taxing under the Constitution or statutes of the United States.
- (3) A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at Sheriff sale or Tax Claim Bureau sale.
- (4) A transfer for no or nominal actual consideration which corrects or confirms a transfer previously recorded but which does not extend or limit existing record legal title or interest.
- (5) A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- (6) A transfer between husband and wife or between persons who were previously husband and wife who have since been divorced, provided that the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one (1) year shall be subject to tax as if the grantor were making such transfer.
- (7) A transfer for no or nominal actual consideration of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.
- (8) A transfer for no or nominal actual consideration to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such

beneficiaries are contingent or specifically named. No such exemption shall be granted unless the Recorder of Deeds is presented with a copy of and all possible beneficiaries.

- (9) A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.
- (10) A transfer for no or nominal actual consideration from trustee to successor trustee.
- (11) A transfer for no or nominal actual consideration between principal and agent or straw party or from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Article. Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from or for the benefit of his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.
- (12) A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Article.
- (13) A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two (2) years.
- (14) A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a

transfer to a nonprofit industrial developmental agency or authority.

- (15) A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture and the agency or authority has the full ownership interest in the real estate transferred.
- (16) A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.
- (17) Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes.
- (18) A transfer to a conservancy which possesses a tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954 [68A Stat. 3, 26 U.S.C. S and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.
- (19) A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five percent (75%) of each class of the stock thereof.
- (20) A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.
- (21) A transaction wherein the tax due is one dollar (\$1.) or less.

(22) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

- B. In order to exercise any exclusion provided in this section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Article.

### **§ 149-7. Documents relating to associations or corporations and members, partners, stockholders or shareholders thereof.**

Except as otherwise provided in § 149-6, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this Article, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

### **§ 149-8. Acquired company.**

- A. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company and of itself or together with prior changes has the effect of transferring, directly or indirectly, ninety percent (90%) or more of the total ownership interest in the company within a period of three (3) years.
- B. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the



business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Article.

- C. Within thirty (30) days after becoming an acquired company, the company shall present a declaration of acquisition with the Recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

#### **§ 149-9. Credits against tax.**

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

greater than the amount of tax due, no refund or carryover credit shall be allowed.

#### **§ 149-10. Extension of lease.**

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

#### **§ 149-11. Proceeds of judicial sale.**

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

#### **§ 149-12. Duties of Recorder of Deeds.**

- A. As provided in 16 P.S. § 11011-6, as amended by Act of July 7, 1983, P.L. 40, No. 21, the Recorder of Deeds shall be the collection agent for the local realty transfer tax, including any amount payable to the Borough of South Greensburg based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania realty transfer tax, without compensation from the Borough of South Greensburg.
- B. In order to ascertain the amount of taxes due when the property is located in more than one (1) political subdivision, the Recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
- C. On or before the 10th of each month, the Recorder shall pay over to the Borough of South Greensburg all local realty transfer taxes

collected, less two percent (2%) for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The two-percent commission shall be paid to the county.

- D. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording fee has been tendered.

### **§ 149-13. Statement of value.**

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

### **§ 149-14. Civil penalties.**

- A. If any part of any underpayment of tax imposed by this Article is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.

- B. In the case of failure to record a declaration required under this Article on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five percent (5%) of the amount of such tax if the failure is for not more than one (1) month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding fifty percent (50%) in the aggregate.

### **§ 149-15. Lien.**

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

### **§ 149-16. Enforcement.**

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

### **§ 149-17. Regulations.**

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

### **§ 149-18. Continuing effect.**

This Article shall become effective and repeal the prior Deed Transfer Tax Ordinance of the Borough of South Greensburg thirty (30) days from the date of its enactment and shall be regarded as a continuing tax and shall continue in force thereafter on a school and fiscal year basis without annual reenactment unless the rate of the tax is substantially changed.

## **ARTICLE II**

### **Per Capita**

**[Adopted 12-28-1989 as Ord. No. 90-3]**

### **§ 149-19. Imposition of tax.**

A per capita tax of five dollars (\$5.) for general borough purposes is hereby levied and assessed under the authority of the Act of December 31, 1965, P.L. 1257, Section 1, as amended, and known as the "Local Enabling Act,"<sup>1</sup> and its amendments, upon each resident or inhabitant of the Borough of South Greensburg over the age of eighteen (18) years, which tax shall be in addition to all other taxes levied and assessed by said borough pursuant to any other laws of the Commonwealth of Pennsylvania. Persons age sixty-five (65) or over are exempt from payment of this per capita tax. Individuals with gross income from whatever source of less than three thousand two hundred dollars (\$3,200.) and a husband and wife whose gross income from whatever source is less than six thousand four hundred dollars (\$6,400.) are exempt from payment of this per capita tax.

### **§ 149-20. Collection by Tax Collector.**

Such tax shall be collected by the duly elected or appointed Tax Collector for the Borough of South Greensburg in the same manner and at the same time as other borough taxes are collected, as provided by the Local Tax Enabling Act, as amended and supplemented.

### **§ 149-21. Bond of Collector.**

The Tax Collector shall give bond secured and conditioned for the collection and payment of such taxes as provided by law for other borough taxes.

### **§ 149-22. Warrant for collection.**

The entry of the per capita tax in the tax duplicate and the issuance of such duplicate to the Tax Collector shall constitute his warrant for the collection of the per capita tax hereby levied and assessed.

### **§ 149-23. Expenses; compensation of Collector.**

The expense of collection and compensation of the Tax Collector shall be paid and allowed as provided in the Local Tax Enabling Act, as amended and supplemented<sup>2</sup> which compensation shall be the same as shall be fixed from time to time for the collection of other borough taxes.

### **§ 149-24. Notice of tax due.**

The Tax Collector shall give notice to the taxpayers of the amount of per capita tax due under this Article at the same time and in the same manner as provided by the Local Tax Enabling Act, as amended and supplemented.

### **§ 149-25. Addition of names to tax duplicate; exemptions.**

In case the Tax Collector shall at any time find within the borough any resident or inhabitant above the age of eighteen (18) years whose name does not appear upon the tax duplicate, he shall report the name of such person forthwith to the Assessor, who shall thereupon certify the same unto the Borough Council, which shall promptly certify the same to the Tax Collector reporting such name, whereupon the Tax Collector shall add such name and assessment of this per capita tax against such person to the duplicate of the Borough of South Greensburg and shall proceed to collect the same, unless said person is age sixty-five (65) or over or unless, in the case of any individual, his or her gross income from whatever source is less than three

thousand two hundred dollars (\$3,200.) or, in the case of a husband and wife, their joint gross income from whatever source is less than six thousand four hundred dollars. (\$6,400.).

#### **§ 149-26. Collection of taxes.**

The Tax Collector shall give notice to the taxpayers, shall have the power to collect said taxes by distress, shall have the power and authority to demand and receive said tax from the employer of any person owing any delinquent per capita tax or whose wife owes any delinquent per capita tax, shall remit such taxes to the Borough Treasurer by separate statement at the same time as other taxes are remitted to the borough, shall allow discounts and add penalties of ten percent (10%), shall generally be subject to all the duties and shall have all the rights and authority conferred upon him by the Local Tax Enabling Act, as amended and supplemented. It is hereby declared to be the intent of the Borough Council in enacting this Article to confer upon the Tax Collector, in the collection of this per capita tax, all the powers, together with all the duties and obligations to the same extent and as fully provided for in the Local Tax Enabling Act, as amended and supplemented.

#### **§ 149-27. Continuing effect.**

This Article shall become effective on January 1, 1990, and shall continue in force on a calendar-year basis, without annual reenactment, unless the rate of tax is subsequently changed. Changes in rate shall become effective on the date specified in the ordinance.

#### **§ 149-28. Penalty on unpaid tax.**

A penalty of ten percent (10%) is hereby imposed upon any tax which remains unpaid from and after August 1 of each taxable year.

**ARTICLE III**  
**Earned Income Tax**  
**[Adopted 12-28-1989 as Ord. No. 90-4]**

**§ 149-29. Definitions.**

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

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

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

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

CURRENT YEAR — The calendar year for which the tax is levied.

DOMICILE — The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily "domicile," for "domicile" is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. "Domicile" is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose but with the present intention of making a permanent home until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the "domicile" is that place considered as the center of business affairs and the place where its functions are discharged.

EARNED INCOME — Salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property; not including, however, wages or compensation paid to persons on



active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement or arising under workmen's compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service reaching a specific age or after a stated period of employment or payments commonly known as public assistance or unemployment compensation payments by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including but not limited to programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.

**EMPLOYER** — A person, partnership, association, corporation, institution, governmental body or unit or agency or any other entity employing one (1) or more persons for a salary, wage, commission or other compensation.

**INCOME TAX OFFICER or OFFICER** — A person, public employee or private agency designated by the governing body to collect and administer the tax on earned income and net profits.

**NET PROFITS** — The net income from the operation of a business, profession or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.

**NONRESIDENT** — A person, partnership, association or other entity domiciled outside the Borough of South Greensburg.

**OTHER ACTIVITIES** — Investments in real or personal property of whatever nature or character.

**PERSON or INDIVIDUAL** — A natural person.

**PRECEDING YEAR** — The calendar year before the current year.

RESIDENT — A person, partnership, association or other entity domiciled in the Borough of South Greensburg.

SUCCEEDING YEAR -- The calendar year following the current year.

TAXPAYER -- A person, partnership, association or any other entity required hereunder to file a return of earned income or net profits or to pay a tax thereon.

- B. Word usage. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

### **§ 149-30. Imposition of tax.**

- A. The following taxes are hereby imposed for general borough purposes:
- (1) One-half of one percent ( $\frac{1}{2}$  of 1%) on all earned income earned on and after the first day of January 1990, by residents of the Borough of South Greensburg.
  - (2) One-half of one percent ( $\frac{1}{2}$  of 1%) on all earned income earned on and after the first day of January 1990, by nonresidents of the Borough of South Greensburg for work done or services performed or rendered in the Borough of South Greensburg.
  - (3) One-half of one percent ( $\frac{1}{2}$  of 1%) on all net profits of businesses, professions or other activities earned on and after the first day of January 1990, conducted by residents of the Borough of South Greensburg.
  - (4) One-half of one percent ( $\frac{1}{2}$  of 1%) on all net profits of businesses, professions or other activities earned on or after the first day of January 1990, conducted in the Borough of South Greensburg by nonresidents of the Borough of South Greensburg.
- B. The taxes levied under this Article shall be applicable to earned income received and to net profits earned in the period beginning January 1 of the current year and ending December 31 of the current year or for taxpayer fiscal years beginning in the current year, except that taxes imposed for the first time shall become effective from the

date specified in this Article and the tax shall continue in force on a calendar-year or taxpayer-fiscal-year basis, without annual reenactment, unless the rate of the tax is substantially changed. Changes in rate shall become effective on the date specified in this Article.

- C. Such taxes shall be levied with respect to the earned income or net profits earned during the calendar year for which the tax is levied; provided, however, that when the fiscal year of a business, profession or other activity differs from the calendar year, the tax shall be applicable to the net profits of the fiscal year, but for the levies on net profits in the year 1990, the tax shall be applicable only to the portion of the net profits of the fiscal year 1990 as were earned on and after January 1, 1990.
- D. The Borough Tax Collector is hereby designated receiver of the taxes imposed by this Article. He shall collect and receive all such taxes, shall furnish a receipt for their payment and shall keep a record showing the amount received by him from each taxpayer under this Article and the date of such receipt. The Borough Solicitor is empowered to prescribe rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Article. Such rules and regulations shall be inscribed by the Borough Tax Collector in a book for that purpose and open to the inspection of the public.

### **§ 149-30.1. Tenants of Real Property.**

#### **A. Required information.**

All persons, firms or corporations who own real property in the Borough of South Greensburg before September 11, 2006, shall notify the Borough Tax Collector of the Borough of South Greensburg on or before December 31, 2006, of the names and street addresses of all tenants occupying any real property owned by such person, firm, or corporation as a residence in the Borough of South Greensburg.

#### **B. Changes in tenancy.**

All persons, firms or corporations who own real property in the Borough of South Greensburg after September 11, 2006, shall notify the Borough Tax Collector of the Borough of South Greensburg

within fifteen (15) days of the date any residential tenant vacates any real property or any new residential tenant occupies real property in the Borough of South Greensburg owned by such person, firm or corporation, giving the name and street address of each such tenant vacating or newly occupying real property.

C. Violations and penalties.

Any person, firm or corporation owning real property in the Borough of South Greensburg who fails or refuses to comply with the provisions of this Section, upon conviction, shall be sentenced to pay a fine of not more than six hundred (\$600.00) or be imprisoned for a period not exceeding ninety (90) days, or both such fine and imprisonment. Each day the violation continues shall be a separate offense.

**§ 149-31. Declaration and payment of tax.**

A. Net profits.

- (1) Every taxpayer making net profits shall, on or before April 15 of the current year, make and file with the Borough Tax Collector on a form prescribed or approved by the Borough Tax Collector a declaration of his estimated net profits during the period beginning January 1 and ending December 31 of the current year and pay to the Borough Tax Collector in four (4) equal quarterly installments the tax due thereon as follows: the first installment at the time of filing the declaration and the other installments on or before June 15 of the current year, September 15 of the current year and January 15 of the succeeding year, respectively. In the event that the total of said four (4) quarterly installments of tax paid does not equal ninety percent (90%) of actual tax on actual net profits for the then-current year, the taxpayer shall be subject to interest and penalties as set forth in § 149-36 of this Article on the difference between the actual tax liability for the current year and the total of the installments of tax actually made for the current year, said interest and penalties to be applied against the underestimated portion of said estimated taxes; provided, however, that if the taxpayer has paid, in four (4) equal quarterly installments on the due dates as above set forth, an amount equal to the prior year's tax, then it

shall be deemed that there are no underestimated taxes and no interest and penalties will apply there against. [**Amended 12-11-1995 by Ord. No. 96-2**]

- (2) Any taxpayer who first anticipates any net profit after April 15 of the current year shall make and file the declaration hereinabove required on or before June 15 of the current year, September 15 of the current year or December 31 of the current year, whichever of these dates next follows the date on which the taxpayer first anticipates such net profit, and pay to the officer in equal installments the tax due thereon on or before the quarterly payment dates which remain after the filing of the declaration.
- (3) Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the Borough Tax Collector on a form prescribed or approved by the Borough Tax Collector a final return showing the amount of net profits earned during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax due thereon and the total amount of tax paid thereon. At the time of filing the final return, the taxpayer shall pay to the Borough Tax Collector the balance of tax due or shall make demand for refund or credit in the case of overpayment. Any taxpayer may, in lieu of paying the fourth quarterly installment of his estimated tax, elect to make and file with the officer on or before January 31 of the succeeding year the final return as hereinabove required.
- (4) The Borough Tax Collector is hereby authorized to provide by regulation for the making and filing of adjusted declarations of estimated net profits and for the payments of the estimated tax in cases where a taxpayer who has filed the declaration hereinabove required anticipates additional net profits not previously declared or finds that he has overestimated his anticipated net profits.
- (5) Every taxpayer who discontinues business prior to December 31 of the current year shall, within thirty (30) days after the discontinuance of business, file his final return as hereinabove required and pay the tax due.

**B. Earned income.**

- (1) Annual earned income tax return. Every taxpayer shall, on or before April 15 of the succeeding year, make and file with the Borough Tax Collector on a form prescribed or approved by the Borough Tax Collector a final return showing the amount of earned income received during the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of tax thereon that has been withheld pursuant to the provisions relating to the collection at source and the balance of tax due. At the time of filing the final return, the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.
- (2) Earned income not subject to withholding. Every taxpayer who is employed for a salary, wage, commission or other compensation and who received any earned income not subject to the provisions relating to collection at source shall make and file with the Borough Tax Collector on a form prescribed by the Borough Tax Collector a quarterly return on or before April 30 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, setting forth the aggregate amount of earned income not subject to withholding by him during the three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively, and subject to the tax, together with such other information as the Borough Tax Collector may require. Every taxpayer making such return shall, at the time of filing thereof, pay to the officer the amount of tax shown as due thereon.

**§ 149-32. Collection at source.**

- A. Every employer having an office, factory, workshop, branch, warehouse or other place of business within the Borough of South Greensburg imposing a tax on earned income or net profits within

the Borough of South Greensburg who employs one (1) or more persons, other than domestic servants, for a salary, wage, commission or other compensation, who has not previously registered shall, within fifteen (15) days after becoming an employer, register with the officer his name and address and such other information as the Borough Tax Collector may require.

B. Withholding by employer.

- (1) Every employer having an office, factory, workshop, branch, warehouse or other place of business who employs one (1) or more persons, other than domestic servants, for a salary, wage, commission or other compensation shall deduct at the time of payment thereof the tax imposed by this Article on the earned income due to his employee or employees and shall, on or before April 20 of the current year, July 31 of the current year, October 31 of the current year and January 31 of the succeeding year, file a return and pay to the Borough Tax Collector the amount of taxes deducted during the preceding three-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively. Such return, unless otherwise agreed upon between the Borough Tax Collector and employer, shall show the name and social security number of each such employee, the earned income of such employee during such preceding three-month period, the tax deducted therefrom, the total earned income of all such employees during such preceding three-month period and the total tax deducted therefrom and paid with the return.
- (2) Any employer who for two (2) of the preceding four (4) quarterly periods has failed to deduct the proper tax or any part thereof or has failed to pay over the proper amount of tax to the Borough Tax Collector may be required by the Borough Tax Collector to file his return and pay the tax monthly. In such cases, payments of tax shall be made to the Borough Tax Collector on or before the last day of the month succeeding the month for which the tax was withheld.

- C. On or before February 28 of the succeeding year, every employer shall file with the Borough Tax Collector:
- (1) An annual return showing the total amount of earned income paid, the total amount of tax deducted and the total amount of tax paid to the Borough Tax Collector for the period beginning January 1 of the current year and ending December 31 of the current year.
  - (2) A return withholding statement for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the employee's name, address and social security number, the amount of earned income paid to the employee during said period, the amount of tax deducted and the amount of tax paid to the Borough Tax Collector. Every employer shall furnish two (2) copies of the individual return to the employee for whom it is filed.
- D. Every employer who discontinues business prior to December 31 of the current year shall, within thirty (30) days after the discontinuance of business, file the returns and withholding statements hereinabove required and pay the tax due.
- E. Except as otherwise provided in § 149-36, every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for payment of the taxes which he was required to withhold to the extent that such taxes have not been recovered from the employee.
- F. The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or from complying with the requirements of this Article relating to the filing of declarations and returns.

### **§ 149-33. Powers and duties of Borough Tax Collector.**

- A. It shall be the duty of the Borough Tax Collector to collect and receive the taxes, fines and penalties imposed by this Article. It shall



also be his duty to keep a record showing the amount and the date of such receipt.

- B. The Borough Tax Collector is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this Article, including provisions for the reexamination and correction of declarations and returns and of payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred, and to make refunds in case of overpayment for any period of time not to exceed six (6) years subsequent to the date of payment of the sum involved and to prescribe forms necessary for the administration of this Article. No rule or regulation of any kind shall be enforceable unless it has been approved by resolution of Council for the Borough of South Greensburg. A copy of such rules and regulations currently in force shall be available for public inspection.
- C. The Borough Tax Collector shall refund, on petition of and proof by the taxpayer, earned income tax paid on the taxpayer's ordinary and necessary business expenses to the extent that such expenses are not paid by the taxpayer's employer.
- D. The Borough Tax Collector and agents designated by him are hereby authorized to examine the books, papers and records of any employer or of any taxpayer or of any person whom the Borough Tax Collector reasonably believes to be an employer or taxpayer in order to verify the accuracy of any declaration or return or, if no declaration or return was filed, to ascertain the tax due. Every employer and every taxpayer and every person whom the Borough Tax Collector reasonably believes to be an employer or taxpayer is hereby directed and required to give to the Borough Tax Collector or to any agent designated by him the means, facilities and opportunity for such examination and investigations as are hereby authorized.
- E. Any information gained by the Borough Tax Collector, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this Article, shall be confidential except

for official purposes and except in accordance with a proper judicial order or as otherwise provided by law.

- F. The Borough Tax Collector is authorized to establish different filing, reporting and payment dates for taxpayers whose fiscal years do not coincide with the calendar year.

#### **§ 149-34. Suit for collection of tax.**

- A. The Borough Collector may sue in the name of the Borough of South Greensburg for the recovery of taxes due and unpaid under this Article.
- B. Any suit brought to recover the tax imposed by this Article shall be begun within three (3) years after such tax is due or within three (3) years after the declaration or return has been filed, whichever date is later; provided, however, that this limitation shall not prevent the institution of a suit for the collection of any tax due or determined to be due in the following cases:
  - (1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of this Article, there shall be no limitation.
  - (2) Where an examination of the declaration or return filed by any person or of other evidence relating to such declaration or return in the possession of the Borough Tax Collector reveals a fraudulent evasion of taxes, there shall be no limitation.
  - (3) In the case of substantial understatement of tax liability of twenty-five percent (25%) or more and no fraud, suit shall be begun within six (6) years.
  - (4) Where any person has deducted taxes under the provisions of this Article and has failed to pay the amounts so deducted to the Borough Collector or where any person has willfully failed or omitted to make the deductions required by this section, there shall be no limitation.

- C. This section shall not be construed to limit the Borough Tax Collector from recovering delinquent taxes by any other means provided by this Article.
- D. The Borough Tax Collector may sue for recovery of an erroneous refund, provided that such suit is begun two (2) years after making such refund, except that the suit may be brought within five (5) years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

**§ 149-35. Interest and penalties. [Amended 12-17-1990 by Ord. No. 90-11]**

- A. If, for any reason, the tax is not paid when due, interest at the rate of ten percent (10%) per annum on the amount of said tax and an additional penalty of one percent (1%) of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.
- B. In addition to interest and penalties as imposed under Subsection A above, there shall be imposed upon any employer who fails, neglects or refuses to timely remit to the Borough of South Greensburg the taxes deducted from its employees, a penalty computed at the rate of five percent (5%) on the amount of said withheld taxes for the first month in which said taxes were not remitted to the Borough of South Greensburg after the due date as herein provided, and five percent (5%) per month or any part of a month thereafter, with a maximum of twenty-five percent (25%).

### **§ 149-36. Violations and penalties.**

- A. Any person who fails, neglects or refuses to make any declaration or return required by this Article, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees or fails, neglects or refuses to who refuses to permit the Borough Tax Collector or any agent designated by him to examine his books, records and papers and any person who knowingly makes any incomplete, false or fraudulent return or attempts to do anything whatsoever to avoid the full disclosure of the amount of his net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this Article shall, upon conviction thereof before any Justice of the Peace, Alderman or Magistrate or court of competent jurisdiction in Westmoreland County, be sentenced to pay a fine of not more than five hundred dollars (\$500.) for each offense and costs and, in default of payment of said fine and costs, to be imprisoned for a period not exceeding thirty (30) days.
- B. Any person who divulges any information which is confidential under the provisions of this Article shall, upon conviction thereof before any Justice of the Peace, Alderman or Magistrate or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars (\$500.) for each offense and costs and, in default of payment of said fines and costs, to be imprisoned for a period not exceeding thirty (30) days.
- C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Article.
- D. The failure of any person to receive or procure forms required for making the declaration or returns required by this Article shall not excuse him from making such declaration or return.

### **§ 149-37. Continuing effect.**

This Article shall become effective on January 1, 1990, and shall continue in force on a calendar-year basis, without annual reenactment, unless the rate of tax is subsequently changed. Changes in rate shall become effective on the date specified in the ordinance.

**ARTICLE IV**  
**Occupation Privilege Tax**  
**[Adopted 12-28-1989 as Ord. No. 90-5]**

**§ 149-38. Title.**

This Ordinance Article IV shall be known and may be cited as "The Borough of South Greensburg Local Services Tax Ordinance."

**§ 149-39. Definitions.**

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

**BOROUGH OF SOUTH GREENSBURG OR BOROUGH** - The area within the corporate limits of the Borough of South Greensburg.

**COLLECTOR** - The person, public employee or private agency designated by the Borough of South Greensburg to collect and administer the tax herein imposed.

**DCED** - The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

**EARNED INCOME** - Compensation as this term is defined in §13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1257, § 13, as amended, 53 P.S. § 6913, as amended.

**EMPLOYER** - An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

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

**INDIVIDUAL** - Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Borough of South Greensburg.

**NET PROFITS** - The net income from the operation of a business, profession, or other activity, as this term is defined in §13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1257 § 13, as amended, 53 P.S. § 6913, as amended.

**OCCUPATION** - Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of the Borough of South Greensburg for which compensation is charged or received, whether by means of salary, wages, commission or fees for services rendered.

**TAX** - The local services tax at the rate fixed in of this part.

**TAX YEAR** - The period from January 1 until December 31 in any year; a calendar year.

#### **§ 149-40. Levy of tax.**

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008, upon the privilege of engaging in an occupation with a primary place of employment within the Borough of South Greensburg during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro rata basis, in accordance with the provisions of this part. This tax may be used solely for the following purposes as the same may be allocated by the Borough Council from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa. C.S. Ch. 85, Such. F (relating to homestead property exclusion). The Borough shall use no less than twenty-five percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough of South Greensburg. The tax shall be no more than fifty-two dollars on each

person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

#### **§ 149-41. Exemption and refunds.**

A. Exemption. Any person whose total earned income and net profits from all sources within the Borough is less than twelve thousand (\$12,000.00) dollars for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from the payment of the tax:

- (1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.
- (2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to Claim Exemption.

- (1) A person seeking to claim an exemption from the local services tax shall annually file an exemption certificate with the Borough and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Borough of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the Borough utilizes

a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the Borough for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the Borough or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder for the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring.

- (2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the Borough that the person has received earned income and net profits from all sources within the Borough equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the Borough in an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).
- (3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to



withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the Borough may pursue collection under this act.

- (4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

- C. Refunds. The Borough Secretary, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and

interest on overpayments.<sup>1</sup> Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed one dollar (\$1). The Borough Secretary or the Collector shall determine eligibility for refunds to exempt persons and provide refunds.

## **§ 149-42. Duty of employers to collect.**

- A. Each employer within the Borough of South Greensburg, as well as those employers situated outside the Borough of South Greensburg but who engage in business within the Borough of South Greensburg, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the Borough of South Greensburg and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax from each employee in his or her employ, whether said employee is paid by salary, wage or

commission and whether or not all such services are performed within the Borough of South Greensburg.

- B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rate share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Paragraph D of this Section. For purposes of this paragraph, "combined rate" shall mean the aggregate annual rate of the tax levied by the school district and the Borough.
- C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.
- D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.
- E. The tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The Borough shall provide a taxpayer a receipt of payment upon request by the taxpayer.
- F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Borough if the failure to withhold taxes arises from incorrect information submitted

by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of Paragraph B of §149-41 of this part and this section and remits the amount so withheld in accordance with this Part.

- B. Employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year.

### **§ 149-43. Returns.**

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

### **§149-44. Dates for determining tax liability and payment.**

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

### **§ 149-45. Self-employed individuals.**

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the Borough of South Greensburg shall be required to comply with this part and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of each quarter.

**§ 149-46. Individuals engaged in more than one occupation of employed in more than one political subdivision.**

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

- (1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;
- (2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;
- (3) Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

**§ 149-47. Nonresidents subject to tax.**

All employers and self-employed individuals residing or having their places of business outside of the Borough of South Greensburg but who perform services of any type or kind or engage in any occupation or profession within the Borough of South Greensburg do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this part with the same force and effect as though they were residents of the Borough of South Greensburg. Further, any individual engaged in an occupation within the Borough of South Greensburg and an employee of a nonresidential employer may, for the

purpose of this part, be considered a self-employed person, and in the event his or her tax is not paid, the Borough shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

#### **§ 149-48. Administration of tax.**

- A. The Collector shall be appointed by resolution of the Borough Council. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer or self-employed person, together with the date the tax was received.
- B. The Collector is hereby charged with the administration and enforcement of this part and is hereby charged and empowered, subject to Borough Council approval, to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this part, including provisions for the examination of payroll records of any employer subject to this part, the examination and correction of any return made in compliance with this part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal to the Court of Common Pleas of Westmoreland County as in other cases provided.
- C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

#### **§ 149-49. Suits for Collection**

- A. In the event that any tax under this part remains due or unpaid 30 days after the due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this part, together with interest and penalties.

- B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

**ARTICLE VI**  
**Real Estate Tax Certifications**  
**[Adopted 7-8-1991 as Ord. No. 91-4]**

**§ 149-50. Violations and penalties.**

Whoever makes any false or untrue statement on any return required by this part, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this part.

**§149-51. Interpretation.**

- A. Nothing contained in this part shall be construed to empower the Borough of South Greensburg to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

- B. If the tax hereby imposed under the provisions of this part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

## **Chapter 156**

### **VEHICLES, ABANDONED AND JUNKED**

#### **ARTICLE I**

##### **Abandoned Vehicles**

- § 156-1. Abandonment constitutes nuisance.**
- § 156-2. Abatement of nuisance by owners.**
- § 156-3. Violations and penalties.**
- § 156-4. Abatement by borough.**
- § 156-5. Recovery of costs.**

#### **ARTICLE II**

##### **Junked Vehicles**

- § 156-6. Definitions.**
- § 156-7. Motor vehicle nuisances prohibited.**
- § 156-8. Storage of motor vehicle nuisances permitted.**
- § 156-9. Inspection of premises; notice to comply.**
- § 156-10. Authority to remedy noncompliance.**
- § 156-11. Violations and penalties.**
- § 156-12. Remedies not mutually exclusive.**

**[HISTORY: Adopted by the Borough of South Greensburg: Art. I, 10-8-1979 as §§ 6.61 through 6.67 of Chapter 6 of the Code of Ordinances; Art. II, 6-10-1996 as Ord. No. 96-5. Sections 156-1 and 156-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]**



## GENERAL REFERENCES

Vehicles and traffic — See Ch. 159.

### ARTICLE I

#### Abandoned Vehicles

**[Adopted 10-8-1979 as 6.61 through 6.67 of  
Chapter 6 of the Code of Ordinances]**

**§ 156-1. Abandonment constitutes nuisance. [Amended 10-10-1987 by Ord. No. 83-8; 8-10-1992 by Ord. No. 92-6, amended 9-16-2013 by Ord. No. 2013-05.]**

The unsheltered storage of unregistered, unused, stripped, junked, wrecked or otherwise unusable automobiles, or automobiles without a current inspection sticker, including emissions, or other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured (hereinafter referred to as "personality") for a period of ten (10) days or more (except in places where a junkyard business is regularly conducted) within the corporate limits of the Borough of South Greensburg, or which creates unsafe storage or unhealthful or unsafe conditions, including air or water pollution, presents danger to children or causes obstruction of vision, shall be deemed a nuisance, dangerous to the public health and safety. The term unsheltered storage as used in this section shall mean any storage occurring in an unenclosed structure.

**§ 156-2. Abatement of nuisance by owners.**

The owner, owners, tenants, lessees and/or occupants of any parcel of real estate within the borough limits of the Borough of South Greensburg upon which there is storage of personality as defined in § 156-1 hereof shall jointly and severally be responsible for the abatement of the nuisance created by said personality and shall, upon notification by the Borough of South Greensburg, promptly remove such personality into completely enclosed buildings authorized for the use or storage purposes within the Borough of

South Greensburg or otherwise remove said personality to a location outside of the corporate limits of the Borough of South Greensburg.

**§ 156-3. Violations and penalties. [Amended 7-13-1981 by Ord. No. 81-13; 8-10-1992 by Ord. No. 92-6]**

Upon failure of the owner or owners, tenants, lessees, occupants or persons otherwise responsible for the nuisance described in § 156-1 hereof to remove the same within the time specified in the notification by the borough, the borough may either:

- A. Remove the same, charging the costs of removal, together with a penalty of ten percent (10%) of such cost, in the manner provided by law for the collection of municipal claims or by action of assumpsit, or may seek relief by bill in equity; or
- B. Impose a fine of not more than six hundred dollars (\$600.) and costs of prosecution for each offense, and, upon default in payment of the fine and costs, a term of imprisonment for not more than thirty (30) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 156-4. Abatement by borough.**

In addition to the penalties herein provided, the Borough of South Greensburg shall have the right and privilege to remove said personality to a location of its selection for storage. The borough shall notify the last known owner or owners of the personality removed that the same has been placed in storage and shall be sold after the expiration of thirty (30) days if removal and storage charges are not paid by the responsible owner or owners. In the event that such personality has been placed in storage by the borough, said personality may be sold by the borough for payment of removal and storage charges. If the proceeds of such sale are insufficient to pay the costs of removal and storage, the owners of such personality shall be liable to the Borough of South Greensburg for the balance of the costs jointly and severally to be recoverable in a suit of law. If the proceeds of such sale are in excess of the costs thereof, the balance shall be paid said owner or owners or deposited in the borough treasury for its use.

**§ 156-5. Recovery of costs.**

Notwithstanding any other provision hereof, the Borough of South Greensburg may file a municipal claim of record against the owner or owners of the premises from which said personality is removed for the cost of removal if the cost of removal and storage is in excess of the proceeds received at the sale thereof.

**ARTICLE II**  
**Junked Vehicles**  
**[Adopted 6-10-1996 as Ord. No. 96-5]**

**§ 156-6. Definitions.**

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

LESSEE — Owner, for the purpose of this Article, when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE — Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

NUISANCE — Any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough of South Greensburg.

OWNER — The actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON — A natural person, firm, partnership, association, corporation or other legal entity.

- B. 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.

**§ 156-7. Motor vehicle nuisances prohibited.**

- A. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough of South Greensburg.
- B. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:
  - (1) Broken windshields, mirrors or other glass, with sharp edges.
  - (2) One (1) or more flat or open tires or tubes which could permit vermin harborage.
  - (3) Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
  - (4) Any body parts with sharp edges including holes resulting from rust.
  - (5) Missing tires resulting in unsafe suspension of the motor vehicle.
  - (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
  - (7) Broken headlamps or taillamps with sharp edges.
  - (8) Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
  - (9) Protruding sharp objects from the chassis.
  - (10) Broken vehicle frame suspended from the ground in an unstable manner.
  - (11) Leaking or damaged oil pan or gas tank which could cause fire or explosion.
  - (12) Exposed battery containing acid.
  - (13) Inoperable locking mechanism for doors or trunk.
  - (14) Open or damaged floor boards, including trunk and firewall.
  - (15) Damaged bumpers pulled away from the perimeter of vehicle.
  - (16) Broken grill with protruding edges.

- (17) Loose or damaged metal trim and clips.
- (18) Broken communication equipment antennae.
- (19) Suspended on unstable supports.
- (20) Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of South Greensburg.

#### **§ 156-8. Storage of motor vehicle nuisances permitted.**

Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in § 156-7 above may store such vehicle(s) in the Borough of South Greensburg only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough of South Greensburg pursuant to a resolution of the Council for the Borough of South Greensburg. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Zoning Ordinance of the Borough of South Greensburg.

#### **§ 156-9. Inspection of premises; notice to comply.**

- A. The Enforcement Officer, as hereinafter designated, is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Article. If noncompliance with the provisions of this Article constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises or, if the owner's whereabouts or identity are unknown, by posting the notice conspicuously upon the offending premises. "Enforcement Officer" shall mean any police officer who is a member of the police force of the Borough of South Greensburg. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

**§ 156-10. Authority to remedy noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance within the time limit prescribed, the Borough of South Greensburg shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Borough of South Greensburg, in authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

**§ 156-11. Violations and penalties.**

Any person who shall violate any provision of this Article shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.) and, in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Article continues shall constitute a separate offense.

**§ 156-12. Remedies not mutually exclusive.**

The remedies provided herein for the enforcement of this Article, or any remedy provided by law shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Borough of South Greensburg.