

# **TOWNSHIP OF MONTOUR**

## **INDEX**

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
<b>ADMINISTRATION AND GOVERNMENT</b>		
delinquent accounts		
applicability	1	801
attorney fee schedule	1	802
interest	1	804
notice requirement	1	803
penalty	1	805
release of hazardous materials		
costs, liability for	1	902
costs, payment of	1	903
definitions	1	901
enforcement	1	904
<b>ADOPTING ORDINANCE</b>	Introduction	Pg. xiii
<b>ANIMAL (see ZONING)</b>		
<b>BOND ISSUES</b>	Appendix	A
<b>BOARD OF SUPERVISORS MEETINGS</b>		
meetings, location and length of	1	701
public comments	1	702
<b>BUILDING CODES</b>		
adoption of codes	5	101
<b>BUILDING PERMITS (see ZONING)</b>		
<b>BUILDINGS, NUMBERING OF</b>		
address identification numbers		
posting required	10	301
regulations regarding	10	302
penalties	10	304
violations, notification of	10	303
<b>BURNING (see FIRE PREVENTION AND FIRE PROTECTION)</b>		

## MONTOUR INDEX

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
CABLE TV FRANCHISES	Appendix	B
CONSTRUCTION CODE, UNIFORM		
administration	5	203
adoption of code	5	202
appeals, board of	5	204
election to administer and enforce	5	201
enforcement	5	203
fees	5	206
other provisions, effect on	5	205
CURFEW		
defenses	6	103
definitions	6	101
offenses	6	102
violations and penalties	6	105
warnings	6	104
DANGEROUS STRUCTURES (see HEALTH AND SAFETY)		
DELINQUENT ACCOUNTS (see ADMINISTRATION AND GOVERNMENT)		
EARNED INCOME TAX (see TAXATION, SPECIAL)		
EMERGENCY MANAGEMENT AND MUNICIPAL SERVICES TAX (see TAXATION, SPECIAL)		
FEE SCHEDULE	1	Part 6
FIRE PREVENTION AND FIRE PROTECTION		
burning		
circumstances, special	7	118
definitions	7	101
distances, safe	7	113
fires, burning and unattended, control of	7	114
fires, extinguishing unsafe	7	115
hours	7	116
liability	7	123
penalty	7	121

# MONTOUR INDEX

SUBJECT	CHAPTER	SECTION
public roads and public property	7	112
regulations, compliance with	7	111
remedies, equitable and other	7	122
substances, unlawful	7	117
FIREMEN'S RELIEF ASSOCIATION		
annual appropriation	1	302
certification to auditor general	1	301
recognition of	1	301
FLOODPLAINS (see SUBDIVISION or ZONING)		
HEALTH AND SAFETY		
dangerous structures		
definitions and word usage	10	201
emergency cases	10	208
enforcement procedures	10	206
hearing procedure	10	204
investigation procedure	10	203
nuisances, dangerous buildings as	10	202
penalties	10	207
repair, vacation or demolition, standards for	10	205
HOLDING TANKS, (see SEWERS)		
LAND DEVELOPMENT (see SUBDIVISIONS)		
LOANS	Appendix	A
MINING OPERATIONS	27	402(7)(H)
MOBILE HOME PARKS (see SUBDIVISIONS)		
MOTOR VEHICLES (see also ZONING)		
authority of police officer	15	108
definitions and interpretation	15	101
experimental regulations	15	105
manner of adopting permanent traffic and		
parking regulations	15	102
parades	15	107
parking regulations		

## MONTOUR INDEX

SUBJECT	CHAPTER	SECTION
parking prohibited at all times in certain locations	15	402
penalty for violations	15	403
vehicles to be parked within marked spaces	15	401
provisions to be a continuation of existing regulations	15	103
snow and ice emergency		
declaration of	15	501
parking prohibited, driving of motor vehicles restricted on	15	502
penalty for violations	15	504
snow emergency route designated	15	503
processing and assemblages	15	107
speed timing devices	15	109
streets closed or restricted for construction, maintenance or special		
events	15	106
temporary and emergency regulations	15	104
traffic regulations		
maximum speed limits established on certain streets	15	201
no passing zones establishes	15	204
one-way streets established	15	202
operation of motor vehicles restricted on public lands	15	207
vehicle weight limits established on certain streets and bridges	15	301
NUMBERING OF BUILDINGS (see BUILDINGS, NUMBERING OF)		
PARADES	15	107
PEDDLERS, (see TRANSIENT MERCHANTS)		
PER CAPITA TAX (see TAXATION, SPECIAL)		
PLANNING COMMISSION		
creation of	1	201
meeting attendance	1	203
reorganizational meeting	1	202
POLICE MUTUAL COOPERATION AGREEMENT	Appendix	C

SUBJECT	CHAPTER	SECTION
POLICE PENSION FUND		
benefits	1	405
credit for prior service	1	403
effective date	1	407
enrollment into Pennsylvania Municipal Retirement System	1	401
membership	1	402
payment	1	404
termination of previous pension plan	1	406
PROPERTY MAINTENANCE		
adoption of code	10	401
deletions	10	403
revisions	10	402
REALTY TRANSFER TAX (see TAXATION, SPECIAL)		
RELEASE OF HAZARDOUS MATERIALS, (see ADMINISTRATION AND GOVERNMENT)		
SEWERS AND SEWAGE DISPOSAL		
holding tanks		
general provisions		
abatement of nuisances	18	109
definitions	18	102
duties of improved property		
owner	18	107
exclusiveness of rights and privileges	18	106
purposes	18	101
rates and charges	18	105
rights and privileges granted	18	103
rules and regulations	18	104
penalties	18	108
rules and regulations		
application for permit	18	152
definitions	18	151

# MONTOUR INDEX

SUBJECT	CHAPTER	SECTION
inspections and certification of pumping	18	156
permit term and renewal	18	153
removal of holding tank	18	154
requirements of holding tank	18	155
permit required for individual and community sewage disposal systems		
effective date; penalty	18	403
fees	18	402
permit required	18	401
plan approval, record of	Appendix	F
public sewers		
charge, user		
address, correct mailing	18	569
agreements, special	18	566
bill due, payment required when	18	568
charge, imposition of user	18	561
determination, flat rate or EDU	18	563
owner, user charge payable by	18	562
period, billing	18	567
property, multiple use improved	18	564
Township, information deemed essential or appropriate to be furnished to	18	565
Township, official action by	18	570
connections, building sewers and		
connect, failure to	18	525
connection	18	524
connection, separate/independent	18	522
construction and connections, costs and expenses of	18	523
permit, application for	18	521
definitions	18	501
enforcement		
enforceability	18	542

# MONTOUR INDEX

SUBJECT	CHAPTER	SECTION
penalty	18	541
fee, tapping		
connection, application for	18	551
enforcement	18	557
fee, calculation of tapping	18	555
fee, imposition of tapping	18	552
fee, payment of tapping	18	554
fee, tapping; minimum fee	18	553
treasurer, tapping fee payable to	18	556
prohibited wastes, discharge prohibited	18	571
required, used of public sewers		
connect, notice to	18	516
limitations and restrictions	18	512
prohibited, septic tank connection	18	515
prohibited, septic tank use	18	514
prohibitions; general	18	513
required, connection	18	511
sewers, rules and regulations governing building sewers and connections to		
excavation	18	534
inspection	18	532
interceptors, grease	18	535
lines, existing sewer	18	531
maintenance	18	533
rules and regulations, additional	18	537
unsatisfactory condition, remedy of	18	536
sewage disposal system		
appeal board	18	203
appointment of representative	18	202
audit	18	205
budget	18	204
duties and powers of committee	18	201

## MONTOUR INDEX

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
termination, effective date and	18	206
sewage disposal system maintenance		
applicability	18	303
definitions	18	302
inspections and orders by the seo	18	305
operation and maintenance regulations	18	304
penalties	18	306
title	18	301
SIGNS (see ZONING)	27	402(7)(G)
SOCIAL SECURITY PROGRAM		
SOLID WASTE DISPOSAL		
regulations		
agreement and charges	20	118
authorization to collect own municipal waste	20	108
definitions	20	102
disposal at licensed facility required	20	113
disposal of bulky waste	20	114
dumping in streams or bodies of water unlawful	20	104
dumping upon surface or underground unlawful	20	103
hazardous waste	20	112
non-collectors may transport municipal waste	20	105
non-collectors shall collect waste at proper intervals	20	117
normal far activities permitted	20	106
penalties	20	121
provision is severable	20	122
recyclables shall not be collected by unauthorized persons	20	120
regulations	20	124
regulations concerning recyclables	20	119
repealer	20	125
short title	20	101
spillage shall be prevented and/or cleaned up	20	115



## MONTOUR INDEX

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
storage in containers required	20	111
storage may not create health and safety hazards	20	110
subject to federal and state laws	20	123
<b>STREET EXCAVATIONS</b>		
application for permit	21	104
conditions of permit	21	106
definitions	21	102
drainage control	21	106(1)
driveway location	21	106(4)
penalties	21	108
permit fees	21	105
permits required	21	103
purpose	21	101
work completion	21	107
<b>STREET HISTORY OF ACTIVITIES</b>	Appendix	G
<b>STRUCTURES, DANGEROUS (see HEALTH AND SAFETY)</b>		
<b>SUBDIVISIONS AND LAND DEVELOPMENT</b>		
auction sales	22	305
definitions	22	202
design standards		
application	22	501
environmental/landscape consideration	22	506
grading and drainage	22	505
land development standards	22	507
lot and block design	22	504
mobile home parks	22	507
off-street parking	22	503
streets	22	502
fees	22	303(3)
improvements		
agreements	22	601
guarantees	22	602

## MONTOUR INDEX

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
inspection and improvements	22	604
release from guarantees	22	603
remedies	22	605
inclusions	22	201
innovative design	22	802
mediation option	22	803
mobile home parks	22	507(2)
penalties	22	104
plan requirements		
final plan	22	703
minor subdivision	22	704
preliminary plan	22	702
sketch plan	22	701
procedures for subdivision		
final plan	22	304
general	22	301
preliminary plan	22	303
sketch plan	22	302
special procedures	22	305
purpose and jurisdiction		
jurisdiction	22	102
purpose	22	103
sanctions	22	104
title	22	101
required improvements		
floodproofing of other utilities and facilities	22	407
monuments and markers	22	402
recommended improvements	22	406
requirements	22	401
streets and sidewalks	22	403
off-street parking	22	404
utilities	22	405, 407

# MONTOUR INDEX

SUBJECT	CHAPTER	SECTION
storm drainage systems	22	405, 505
termination, automatic, of approval	22	804
waivers	22	801
TAXATION, SPECIAL		
earned income tax		
administration	24	105
collection at source	24	104
declarations, returns and payment of tax	24	103
fines and penalties for late payment	24	107
imposition of tax	24	102
incorporation of statute	24	101
interest and penalties for late payment	24	106
emergency management and municipal services tax		
administration of tax	24	410
amount of tax	24	403
collection, suits for	24	411
dates for determining tax liability and payment	24	406
definitions	24	401
employers and self-employed individuals residing outside township	24	409
employers, duty of	24	404
imposition of tax	24	402
individuals engaged in more than one occupation	24	407
returns	24	405
self-employed individuals	24	408
violations and penalties	24	412
local taxpayer's bill of rights		
definitions	24	501
local taxpayer's bill of rights	24	502
per capita tax		
authority for enactment	24	301
collection	24	304

## MONTOUR INDEX

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
imposition of tax	24	303
“resident” defined	24	302
realty transfer tax		
acquired company	24	208
authority	24	202
civil penalties	24	214
credits against tax	24	209
definitions	24	203
documents relating to associations or corporations and members, partners, stockholders or shareholders thereof	24	207
enforcement	24	216
excluded transactions	24	206
exempt parties	24	205
extension of lease	24	210
imposition of tax; interest	24	204
lien	24	215
proceeds of judicial sale	24	211
recorder of deeds, duties of	24	212
regulations	24	217
short title	24	201
statement of value	24	213
TRAFFIC, (see MOTOR VEHICLES)		
TRANSIENT RETAIL MERCHANTS		
definitions	13	201
exceptions	13	203
licensee’s duties	13	205
license required		
applications	13	204
fee	13	202
issuance of	13	205
revocation of	13	208

## MONTOUR INDEX

SUBJECT	CHAPTER	SECTION
penalties	13	209
prohibited activities	13	206
supervision and record maintenance	13	207
UNIFORM CONSTRUCTION CODE (see CONSTRUCTION CODE, UNIFORM)		
VEGETATION CONTROL		
abatement of nuisance	10	105
certain vegetation prohibited	10	101
declaration of nuisance	10	102
owner's responsibility	10	103
service of notice	10	104
penalties	10	107
service of notice	10	104
penalties	10	107
unpaid bills assessed penalties and become liens	10	106
WATER		
authority, purpose and scope		
applicability	26	105
authority	26	103
compatibility with other legal requirements	26	106
preamble	26	101
purpose	26	104
short title	26	102
definitions and interpretations		
definitions	26	112
language interpretation	26	111
drainage plan requirements		
drainage plan contents	26	133
drainage plan review	26	135
exemptions	26	132
general requirements	26	131
modification of plans	26	136

## MONTOUR INDEX

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
plan submission	26	134
resubmission of disapproved drainage plans	26	137
enforcement and penalties		
abatement of violations	26	172
appeals	26	177
liability disclaimer	26	176
notification	26	173
penalties	26	176
public nuisance	26	174
right of entry	26	171
fees and expenses		
drainage plan review fee	26	152
expenses covered by fees	26	153
general	26	151
inspections and as-built plans		
as-built plans	26	142
schedule of inspections	26	141
maintenance and performance responsibilities		
financial acceptance	26	165
maintenance agreement for privately owned storm-water facilities	26	163
maintenance responsibilities	26	162
maintenance stormwater maintenance fund	26	164
performance guarantee	26	161
stormwater management requirements		
calculation methodology	26	125
design criteria for stormwater management facilities	26	124
general requirements	26	121
permit requirements	26	126
stormwater management districts	26	122
stormwater management performance standards	26	123

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
<b>ZONING</b>		
administration		
conditional uses	27	1003
fees	27	1004
mediation option	27	1005
occupancy permit	27	1002
zoning officer	27	1000
adult oriented business	27	402(S)
definitions and interpretations	27	200, 201
dimensional requirements		
compliance	27	500
special provisions	27	501
table of dimensional requirements	27	500
districts		
districts established	27	300
reclassifications	27	Part 12
statements of purpose and intent	27	301
enforcement	27	103
floodway regulations	27	603
hearing board		
general provisions	27	1100
powers and duties	27	1101
table of use regulations	27	1102
map	27	300
mining operations	27	402(7)(H)
non-conformities		
definitions of	27	900
of lots	27	902
of structures	27	901
of uses	27	903
noxious influences	27	601
off-street loading	27	801

## MONTOUR INDEX

<b>SUBJECT</b>	<b>CHAPTER</b>	<b>SECTION</b>
off-street parking	27	800
performance standards		
abatement of noxious influences	27	601
buffering, screens, fences and walls	27	602
commercial or industrial washing, etc., or outdoor display of vehicles	27	607
compliance	27	600
floodway regulations	27	603
maintenance	27	605
natural hazards	27	604
receiving and shipping, etc., and trucking related activities	27	606
water supply and water resource protection	27	608
permits	27	1001, 1002
purpose and jurisdiction		
enforcement	27	103
interpretation	27	104
jurisdiction	27	101
purpose	27	102
reclassifications	27	Part 12
signs		
definitions	27	700
general signs regulations	27	701
in commercial districts	27	703
in conservation, agricultural and residential districts	27	702
use regulations		
applicability	27	400
permitted uses	27	401
table of use regulations	27	402



**CHAPTER 1**  
**ADMINISTRATION AND GOVERNMENT**

**Part 1**

**Township Supervisors**

**§101. Compensation of Supervisors**

**Part 2**

**Planning Commission**

- §201. Creation of Commission**
- §202. Reorganizational Meeting**
- §203. Meeting Attendance**

**Part 3**

**Firemen's Relief Association**

- §301. Recognition of Firemen's Relief Association**
- §302. Certification to Auditor General**
- §303. Annual Appropriation**

**Part 4**

**Police Pension Fund**

- §401. Enrollment into Pennsylvania Municipal Retirement System**
- §402. Membership**
- §403. Credit for Prior Service**
- §404. Payment**
- §405. Benefits**
- §406. Termination of Previous Police Pension Plan**
- §407. Effective Date**

**Part 5**

**Social Security Participation**

- §501. Participant in Social Security Program**

## **ADMINISTRATION AND GOVERNMENT**

### **Part 6**

#### **Fee Schedule**

**§601. Fee Schedule**

### **Part 7**

#### **Board of Supervisors Meetings**

**§701. Location and Length of Meetings**

**§702. Public Comment**

### **Part 8**

#### **Delinquent Accounts**

**§801. Applicability**

**§802. Attorney Fee Schedule**

**§803. Notice Requirement**

**§804. Interest**

**§805. Penalty**

### **Part 9**

#### **Release of Hazardous Materials**

**§901. Definitions**

**§902. Liability for Costs**

**§903. Payment of Costs**

**§904. Enforcement**

**Part 1**

**Township Supervisors**

**§101. Compensation of Supervisors.**

Each Supervisor of Montour Township elected or appointed to office on or after October 31, 1985, shall receive compensation in the annual amount of \$1,500, payable in monthly installments.

(Ord. 12/12/1985)



**Part 2**  
**Planning Commission**

**§201. Creation of Commission.<sup>1</sup>**

A Township Planning Commission, to be composed of five members, appointed as provided by law (P.S. 53 §10202), is hereby created in and for the Township of Montour. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Township planning agencies; provided, the Planning Commission previously created in and for the said Township shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

(Ord. 12/15/1987)

**§202. Reorganizational Meeting.**

The Planning Commission will hold a re-organizational meeting on the first Thursday following the re-organizational meeting of the Board of Supervisors.

(Ord. 12/15/1987)

**§203. Meeting Attendance.**

Failure to attend three Planning Commission meetings in one year by any Planning Commission member will constitute nonfeasance.

(Ord. 12/15/1987)

---

<sup>1</sup> Editorial Note: Said Commission was established in 1971; this ordinance is a legal formality.



**Part 3**

**Firemen's Relief Association**

**§301. Recognition of Firemen's Relief Association.**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township of Montour:

Montour Township Firemen's Relief Association

2. The above-named association has been formed for the benefit of its members and their families in case of death in the line of duty.
3. The above-named association of the Township is designated the proper association to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Ord. 12/15/1987)

**§302. Certification to Auditor General.**

The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Township. Such certification shall be on forms prescribed by the Auditor General.

(Ord. 12/15/1987)

**§303. Annual Appropriation.**

There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §§701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(Ord. 12/15/1987)





## **Part 4**

### **Police Pension Fund**

#### **§401. Enrollment into Pennsylvania Municipal Retirement System.**

Montour Township, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its police pension benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said law and to assume all obligation, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

(Ord. 2/10/2000, §1)

#### **§402. Membership.**

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time police officers of the Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

(Ord. 2/10/2000, §2)

#### **§403. Credit for Prior Service.**

Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Township from original date of hire or the expiration of the member's probationary period if one so existed. Benefits provided to members in the agreement dated February 10, 2000, shall accrue based on all credited service granted and earned in accordance with this section.

(Ord. 2/10/2000, §3)

#### **§404. Payment.**

Payment for any obligation established by the adoption of this Part and the agreement between the System and Montour Township shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

(Ord. 2/10/2000, §4)

## ADMINISTRATION AND GOVERNMENT

### **§405. Benefits.**

As part of this Part, the Township agrees that the system shall provide the benefits set forth in the agreement between the Board and Montour Township, dated February 10, 2000. The passage and adoption of this Part by Montour Township is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Montour Township hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

(Ord. 2/10/2000, §5)

### **§406. Termination of Previous Police Pension Plan.**

Montour Township intends this Part to be the complete authorization of the Township's police pension plan and therefore specifically repeals the previous agreement and the Ordinance dated June 14, 1990.

(Ord. 2/10/2000, §6)

### **§407. Effective Date.**

A duly certified copy of this Part and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the police pension plan of Montour Township in the Pennsylvania Municipal Retirement System shall be effective the first day of July 1990, with the revised plan structure reflected in the agreement dated February 10, 2000, effective the first day of January, 2000.

(Ord. 2/10/2000, §7)

## **Part 5**

### **Social Security Participation**

#### **§501. Participant in Social Security Program.**

1. Be it resolved by the governing body that the political subdivision become a participant in the social security program and that the benefits of social security be extended to its employees and officers.
2. The proper officers be authorized to execute and deliver to the State agency the plan and agreement required under the provisions of the social security act and said enabling act to extend coverage to the employees and officers of this political subdivision.
3. The Treasurer of this political subdivision be authorized, and he is hereby authorized, to make all required payments into the appropriate fund(s) established by said enabling act and federal regulations and to establish such system of payroll deductions from wages of employees and officers as may be necessary to their coverage under the social security program.
4. The governing body of this political subdivision hereby appropriate from the proper fund or fund(s) as provided in the Enabling Act and in Federal regulations and in accordance with the plan and agreement.
5. The proper officers of this political subdivision do all things necessary to the continued implementation of said social security program in accordance with the provisions contained in the plan and agreement and the said laws.

(Res. 8/13/1987, 8/13/1987)



**Part 6**  
**Fee Schedule**

**§601. Fee Schedule.**

The following is a Comprehensive Fee Schedule for the Township of Montour.

<b>Type</b>	<b>Amount</b>
<b>TRANSIENT MERCHANTS (Chapter 13, §202)</b>	
License fee	
Per week	\$20
Per month	\$50
Per year	\$150

**SEWAGE AND SEWAGE DISPOSAL (Chapter 18, §§553, 563)**

Appropriate fee provided for in the then-current resolution adopted by the Township's Board of Supervisors pursuant to 53 Pa.C.S.A. §5607 (24)

<b>Type</b>	<b>Amount</b>
Tapping fee	\$1,209
(The tapping fee consists of a capacity part of \$905 and a collection part of \$304, multiplied by the number of equivalent dwelling units assigned to the property in question pursuant to Chapter 18, §563, of the Township's Code of Ordinances.)	
Monthly flat rate user charge	\$40

**STREET EXCAVATIONS/OPENINGS (Chapter 21, §105)**

Appropriate fee provided for in the Schedule of Fees set forth by the Pennsylvania State Association of Township Supervisors for highway occupancy permits

**SUBDIVISION AND LAND DEVELOPMENT [Chapter 22, §§303(3), 801(2)]**

<b>Type</b>	<b>Filing Fee</b>	<b>Deposit</b>
A. Minor subdivision	\$50 plus applicable Columbia County review fee	\$150 per lot
B. Major subdivision	\$100 plus applicable Columbia County review fee	\$200 per lot

## ADMINISTRATION AND GOVERNMENT

Type	Filing Fee	Deposit
C. Land development	\$100 plus applicable Columbia County review fee	\$1,000

Type	Amount
Request for waiver	\$100

### ZONING/BUILDING [Chapter 27, §§402(7)(F), 1004]

Type	Amount
Junkyards	
Annual fee	\$200
Transfer fee	\$50
A. Zoning permit	
Up to \$1,000	\$25
\$1,001 to \$5,000	\$35
\$5,001 to \$10,000	\$45
Over \$10,000	\$45 plus \$2 per each \$1,000, or part thereof, of construction cost above \$10,000
B. Occupancy permit	\$20
(No fee if building permit also required)	
C. Application to Zoning Hearing Board for special exception or variance	\$800
D. Appeal to Zoning Hearing Board of enforcement notice or actions of Zoning Officer	\$800
E. Application to Board of Supervisors for conditional use	\$800
F. Petition for zoning amendment	\$500
G. Political signs	\$15
Filing fee	\$35 per each 100 signs

75 Pa.C.S.A. §4902

Type	Amount
Permit for movement of vehicles of weight in excess of restrictions	
Fee	\$50 plus \$100 per mile
Security (form acceptable to Township)	\$50,000 per mile
(Res. 6/8/2000; as amended by Res. 6/10/2004; by Res. 1-13-2005; by Res. 8/11/2005; by Res. 7/14/2005; and by Res. 11/10/2005)	





## **Part 7**

### **Board of Supervisors Meetings**

#### **§701. Location and Length of Meetings.**

1. All meetings of the Board shall be held at the Township Municipal Building.
2. No meeting of the Board shall continue for more than three hours.

(Res. 3/9/1995, §A)

#### **§702. Public Comment.**

1. A period of public comment shall be held at each meeting.
2. The Chairman of the Board shall preside over the public comment period and shall:
  - A. Recognize individual residents and taxpayers wishing to offer comment.
  - B. Require that such persons complete a sign-in sheet to be provided by the Board, setting forth the speaker's name, address and topic he wishes to discuss.
  - C. Rule out of order scandalous, impertinent or redundant comment, or any comment, the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting.
  - D. Order any person who fails to comply with a ruling from the Chair or who is otherwise being disruptive to leave the meeting.
3. Any person who has been ordered to leave a meeting by the Chairman and fails to do so voluntarily shall be escorted therefrom by the Township Chief of Police at the direction of the Chairman.
4. The aggregate time allocated for the public comment period at each meeting shall be 30 minutes, while each person offering comment shall have the maximum of five minutes to address the Board.
5. If there is not enough time for public comment at a meeting, the Board, at its discretion, may defer the public comment period to a meeting held before the next regular or special meeting or until the next regular or special meeting.
6. The provisions of this Section shall not apply to official reports requested by the Board.

(Res. 3/9/1995, §B)



## **Part 8**

### **Delinquent Accounts**

#### **§801. Applicability.**

This Part shall apply to all municipal claims (hereafter the “delinquent accounts”) allowed and authorized by the law of the Commonwealth to be assessed by the Township of Montour (hereby the “Township”) including, but not limited to, liens for taxes and for municipal improvements, for the removal of nuisances and for water rents or rates, sewage rates, lighting rates and power rates to the fullest extent authorized by law, whether heretofore or hereafter assessed or filed.

(Ord. 2/14/2002, §1)

#### **§802. Attorney Fee Schedule.**

The following schedule of attorney fees is to be utilized and followed in the assessment of attorney fees in the collection of any delinquent account, and the corresponding fee shall be added and included in the collection of the same at the time of the filing of a municipal claim by or for the Township, or as soon thereafter as may be convenient or proper.

<b>Claim Amount</b>	<b>Attorney Fees</b>
\$2,500 and under	\$250
Over \$2,500	10% of the claim amount

(Ord. 2/14/2002, §2)

#### **§803. Notice Requirement.**

Prior to assessing or imposing attorney fees in connection with a delinquent account, the Township shall provide notice of the Township’s intention to assess or impose attorney fees in connection with this Part as may be required by the Act of May 16, 1923, P.L. 207, No. 153, as amended or supplemented, 53 P.S. §7106.

(Ord. 2/14/2002, §3)

#### **§804. Interest.**

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this Part, interest equal to 10% per annum shall be assessed and accrue on the claim from the date of the completion of the work

## ADMINISTRATION AND GOVERNMENT

after it is filed as a lien, and on claims for taxes, water rents or rates, lighting rates or sewer rates, from the date of the filing of the lien therefor; provided, however, that if a municipal claim is filed arising out of a municipal project which required the Township to issue bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of interest of the bond issue or at the rate of 12% per annum, whichever is less. No notice prior to the assessment or imposition of interest as set forth herein shall be required. Such interest shall be added to the municipal claim and collected therewith.

(Ord. 2/14/2002, §4)

### **§805. Penalty.**

In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this Part, a penalty equal to 5% of the delinquent account shall be added to the municipal claim and collected therewith when the delinquent account remains unpaid for 90 days after the assessment shall have been levied, or as soon thereafter as may be convenient or proper. No notice prior to the assessment or the imposition of a penalty as set forth herein shall be required.

(Ord. 2/14/2002, §5)

## **Part 9**

### **Release of Hazardous Materials**

#### **§901. Definitions.**

All terms defined in the Hazardous Material Emergency Planning and Response Act, 35 P.S. §6022.102, et seq., (the “Act”) shall have the meanings set forth therein.

(Ord. 7/11/2002, §1)

#### **§902. Liability for Costs.**

A person who causes a release of a hazardous material shall be liable for and shall reimburse the Township for the response costs incurred by any Township-certified hazardous material response team or supporting paid or volunteer emergency service organization including, but not by way of limitation, the Montour Township Fire Company.

(Ord. 7/11/2002, §2)

#### **§903. Payment of Costs.**

Response costs incurred by a Township-certified hazardous material response team or a supporting paid or volunteer emergency service organization shall be paid directly to the Township within 30 days from the date on which the Township issues an invoice or other appropriate demand for such costs. Interest shall accrue on any unpaid invoice at the rate of 1 1/2% per month commencing on the thirty-first-day from the invoice date.

(Ord. 7/11/2002, §3)

#### **§904. Enforcement.**

The Township may enforce this Part by having its Solicitor file a civil action against any person who causes a release of a hazardous material in a court of competent jurisdiction for the recovery of response costs.

(Ord. 7/11/2002, §4)

## **CHAPTER 2**

### **ANIMALS**

(See Chapter 27, Zoning, §402(1A & B)

(Reserved to accommodate future ordinances)

## **CHAPTER 3**

### **BICYCLES**

(Reserved to accommodate future ordinances)

## **CHAPTER 4**

### **BUILDINGS**

(See Chapter 27, Zoning, §1001)

(Reserved to accommodate future ordinances)



**CHAPTER 5**  
**CODE ENFORCEMENT**

**Part 1**

**Adoption of Codes**

**§101.     Adoption of codes**

**Part 2**

**Uniform Construction Code**

- §201.     Election to Administer and Enforce**
- §202.     Adoption of Code**
- §203.     Administration and Enforcement**
- §204.     Board of Appeals**
- §205.     Effect on Other Provisions**
- §206.     Fees**



## **Part 1**

### **Adoption of Codes**

#### **§101. Adoption of codes.**

The Township hereby adopts in their entirety the following codes, as amended, which are on file in the office of the Tri-County Council of Governments International Building Code Inspection Service Committee:

- A. The International Building Codes/2003, First Edition as published by International Code Council, Inc.
- B. The International Plumbing Codes/2003, First Edition as published by International Code Council, Inc.
- C. The International Fuel Gas Code/2003, First Edition as published by International Code Council, Inc.
- D. The International Energy Conservation Code/2003, First Edition as published by International Code Council, Inc.
- E. The International Mechanical Code/2003, First Edition as published by International Code Council, Inc.
- F. The International Fire Code/2003, First Edition as published by International Code Council, Inc.
- G. The International Electric Code/2003, Administrative Provisions, First Edition as published by International Code Council, Inc.
- H. The International Residential Code/2003, First Edition as published by International Code Council, Inc.

(Ord. 2/12/2004)



## **Part 2**

### **Uniform Construction Code**

#### **§201. Election to Administer and Enforce.**

The Township hereby elects to administer and enforce the provisions of the Act, as amended from time to time, and its regulations.<sup>1</sup>

(Ord. 5/13/2004)

#### **§202. Adoption of Code.**

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Township.

(Ord. 5/13/2004)

#### **§203. Administration and Enforcement.**

Administration and enforcement of the code within the Township shall be undertaken in any of the following ways, as determined by the governing body of the Township from time to time by resolution:

- A. By the designation of an employee of the Township to serve as the municipal code official to act on behalf of the Township.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of the Act through an intermunicipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Township.
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 5/13/2004)

---

<sup>1</sup> **Editor's Note: See 35 P.S. §7210.101 et seq.**

## CODE ENFORCEMENT

### **§204. Board of Appeals.**

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

(Ord. 5/13/2004)

### **§205. Effect on Other Provisions.**

1. All building code ordinances or portions of ordinances which were adopted by the Township on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.
3. All relevant ordinances, regulations and policies of the Township not governed by the Code shall remain in full force and effect.

(Ord. 5/13/2004)

### **§206. Fees.**

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

(Ord. 5/13/2004)

## **CHAPTER 6**

### **CONDUCT**

#### **Part 1**

#### **Curfew**

- §101. Definitions**
- §102. Offenses**
- §103. Defenses**
- §104. Warnings**
- §105. Violations and Penalties**





## **Part 1**

### **Curfew**

#### **§101. Definitions.**

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

**CHIEF OF POLICE** — the Chief of Police of the Township of Montour or a designated representative.

**CURFEW HOURS** — from 10:00 p.m. until 6:00 a.m., Sunday through Thursday, and from 12:00 a.m. until 6:00 a.m., Friday and Saturday.

**DIRECT ROUTE** — the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

**EMERGENCY** — any situation requiring immediate action to prevent serious bodily injury or loss of life, including but not limited to a fire, natural disaster and automobile accident.

**ESTABLISHMENT** — any privately owned place of business, operated for a profit, to which the public is invited, including but not limited to any place of amusement or entertainment.

**MINOR** — any person under 18 years of age.

**OPERATOR** — any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

**PARENT** — a person who is:

- A. A natural or adoptive parent of another person;
- B. A court-appointed guardian of another person; or
- C. At least 18 years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.

**PUBLIC PLACE** — any street, alley, highway, sidewalk, playground, park, plaza, building, or other place used by or open to the public.

**REMAIN** — to:

- A. Linger or stay unnecessarily; or

## CONDUCT

- B. Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(Ord. 4/13/2006)

### **§102. Offenses.**

1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the Township during curfew hours.
2. A parent of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Township during curfew hours.
3. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. 4/13/2006)

### **§103. Defenses.**

1. It is a defense to prosecution under §102 that the minor was:
  - A. Accompanied by the minor's parent;
  - B. On an errand at the direction of the minor's parent and was using a direct route;
  - C. In a motor vehicle involved in interstate travel;
  - D. Engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;
  - E. Involved in an emergency;
  - F. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to a police officer about the minor's presence;
  - G. Attending an official school or religious activity or returning home by direct route from an official school or religious activity;

- H. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
  - I. Married or had been married.
2. It is a defense to prosecution under §102, Subsection 3, that the owner, operator, or employee of an establishment promptly notified the Police Department that the minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. 4/13/2006)

#### **§104. Warnings.**

- 1. A police officer, upon finding a minor in violation of §102, Subsection 1, shall:
  - A. Ascertain the name and address of the minor;
  - B. Issue to the minor a written warning that the minor is in violation of §102, Subsection 1.
  - C. Order the minor to go home promptly by a direct route.
- 2. The Police Department shall, by certified mail, return receipt requested, notify a parent of the minor that the minor has violated §102, Subsection 1, and include a warning that any subsequent violation may result in prosecution of the minor and the parent under this Part 1. If the minor was found in violation of §102, Subsection 1, at an establishment, the Police Department shall, by certified mail, return receipt requested, notify the owner, operator, or employee of the violation and include a warning that any subsequent violation may result in prosecution of the owner, operator, and employee under this Part 1.
- 3. A police officer shall, within 24 hours after finding a minor in violation of §102, Subsection 1, file a written report on the incident or assist to the extent possible in the preparation and filing of the report by a supervisor.

(Ord. 4/13/2006)

#### **§105. Violations and Penalties.**

- 1. A minor who violates §102, Subsection 1, after having received a warning pursuant to §104 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300.

## CONDUCT

2. A parent of a minor who violates §102, Subsection 2, after having received a warning pursuant to §104 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and/or imprisonment for not more than 90 days.
3. An owner, operator, or employee of an establishment who violates §102, Subsection 3, after having received a warning pursuant to §104 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and/or imprisonment for not more than 90 days.

(Ord. 4/13/2006)

**CHAPTER 7**  
**FIRE PREVENTION AND FIRE PROTECTION**

**Part 1**

**Burning**

**A. Definitions**

**§101. Definitions**

**B. General Limitations on Burning**

**§111. Compliance with Regulations**

**§112. Public Roads and Public Properties**

**§113. Safe Distances**

**§114. Control of Burning and Unattended Fires**

**§115. Extinguishing Unsafe Fires**

**§116. Hours**

**§117. Unlawful Substances**

**§118. Special Circumstances**

**C. Enforcement**

**§121. Penalty**

**§122. Equitable and Other Remedies**

**§123. Liability**



**Part 1**

**Burning**

**A. Definitions.**

**§101. Definitions.**

For the purposes of this Part, the following words and terms shall have the meanings ascribed to them herein:

CONTAINED FIRE — any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure designed for outdoor cooking or a fireproof container.

ENFORCEMENT OFFICER — the Fire Chief of the Montour Township Fire Company.

FIRE — any fire set or maintained outside of a building.

PERSON — any individual, partnership, organization, association, agency, firm, estate or corporation and any other legal or commercial entity.

RESPONSIBLE ADULT — an individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

UNCONTAINED FIRE — any fire not included in the definition of a contained fire.

(Ord. 10/11/2001, §101)

**B. General Limitations on Burning.**

**§111. Compliance with Regulations.**

1. It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, of whatever nature, without complying with this Part.
2. Nothing herein shall be construed to prevent firefighting training by a Township-designated firefighting organization.

(Ord. 10/11/2001, §201)

## FIRE PREVENTION AND FIRE PROTECTION

### **§112. Public Roads and Public Properties.**

No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in Montour Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire. (Ord. 10/11/2001, §202)

### **§113. Safe Distances.**

1. It shall be unlawful to allow any fire, including cooking, within an unsafe distance from any building or property line.
2. No fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, except where such building or property is used by the fire department for training purposes.
3. Outdoor fires shall be permitted only upon private property and shall take place at least 20 feet from any building, property line or road line.
4. Nothing herein shall be deemed to prohibit indoor cooking activities providing that reasonable safeguards are maintained.
5. Cooking grills may be less than 20 feet from a building providing that reasonable safeguards are maintained.

(Ord. 10/11/2001, §203)

### **§114. Control of Burning and Unattended Fires.**

1. No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire-extinguishing apparatus.
2. No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
3. No fire shall be set that results in uncontrolled burning of vegetation.
4. Outdoor fires shall be confined in a noncombustible container, covered with a wire screen of 1/2 or smaller mesh, or in another suitable noncombustible container, except for fires of leaves, brush and/or natural, untreated wood which need not be confined to or covered by a non-combustible container.

(Ord. 10/11/2001, §204)



**§115. Extinguishing Unsafe Fires.**

It is a violation of this Part for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire may be extinguished by an official of a Township-designated fire company and shall be extinguished upon the direction of such official. (Ord. 10/11/2001, §205)

**§116. Hours.**

1. No person shall burn or cause to be burned any paper, boxes, rubbish, leaves or any other kind of substance, nor shall any person or persons set or maintain any uncontained fire, or burn or cause to be burned an uncontained fire of any substance or material of any kind, outdoors, anywhere in the Township of Montour between sunset and sunrise.
2. Contained fires shall not be permitted to burn or smolder between the hours of 1:00 a.m. and 5:00 a.m.
3. Recreational fires using natural, untreated wood containing a fuel source of no more than eight cubic feet are permitted at any time so long as they comply with all other provisions of this Part.

(Ord. 10/11/2001, §206)

**§117. Unlawful Substances.**

1. Burning of construction debris, plastics, by-products of manufacturing and processing operations or wastes from commercial operations is strictly prohibited.
2. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any person be permitted to burn if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent body.
3. No garbage or offal may be burned at any time either indoors or outdoors.
4. Fires shall be used only to burn readily combustible materials.

(Ord. 10/11/2001, §207)

## FIRE PREVENTION AND FIRE PROTECTION

### **§118. Special Circumstances.**

In the event that it is necessary to have an uncontained fire of a size and/or at times other than permitted under this Part, special permission must be obtained in advance from the Fire Chief of the Montour Township Fire Company, or his designee. In the event any fire company is required to respond to a fire which violates the provisions of this Part, a service fee may be levied by the responding fire company. (Ord. 10/11/2001, §208)

### **C. Enforcement.**

#### **§121. Penalty.**

Any person who shall violate this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses and under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000, plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues will constitute a separate offense. (Ord. 10/11/2001, §301)

#### **§122. Equitable and Other Remedies.**

The Township may enforce this Part by equitable, injunctive and other remedies. (Ord. 10/11/2001, §302)

#### **§123. Liability.**

The Township of Montour and its agents, officials, and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this Part, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Part. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof. (Ord. 10/11/2001, §303)

**CHAPTER 8**  
**FLOOD PLAINS**

(See Chapter 22, Subdivision and Land Development, §§702, 703)

(See Chapter 27, Zoning, §603)

(Reserved to accommodate future ordinances)

**CHAPTER 9**  
**GRADING AND EXCAVATION**

(See Subdivision and Land Development, Chapter 22, §505)

(Reserved to accommodate future ordinances)

**CHAPTER 10**  
**HEALTH AND SAFETY**

**Part 1**

**Vegetation Control**

- §101. Certain Vegetation Prohibited**
- §102. Declaration of Nuisance**
- §103. Owner's Responsibility**
- §104. Service of Notice**
- §105. Abatement of Nuisance**
- §106. Unpaid Bills Assessed Penalties and Become liens**
- §107. Penalties**

**Part 2**

**Dangerous Structures**

- §201. Definitions and Word Usage**
- §202. Dangerous Buildings as Nuisances**
- §203. Investigation Procedure**
- §204. Hearing Procedure**
- §205. Standards for Repair, Vacation or Demolition**
- §206. Enforcement Procedures**
- §207. Penalties**
- §208. Emergency Cases**

**Part 3**

**Numbering of Buildings**

- §301. Posting of Address Identification Numbers Required**
- §302. Regulations Regarding Numbers**
- §303. Notification of Violation**
- §304. Penalties**

**Part 4**

**Property Maintenance**

- §401. Adoption of Code**
- §402. Revisions**
- §403. Deletions**



## **Part 1**

### **Vegetation Control**

#### **§101. Certain Vegetation Prohibited.**

It shall be unlawful for any person, firm, partnership or corporation owning or occupying any real estate in the Township zoned other than agricultural or conservation to permit any grass, weeds or vegetation not edible or planted for some useful or ornamental purpose to grow or remain on such premises so as to exceed a height of 12 inches or to emit any unpleasant or obnoxious odor or to conceal any debris or to create or produce pollen.

(Ord. 12/8/1983, §1; as amended by Ord. 12/15/1987)

#### **§102. Declaration of Nuisance.**

Any grass, weeds or other vegetation growing upon any premises in the Township in violation of the provisions of §101 hereof is hereby declared to be detrimental to the health, safety and welfare of the inhabitants of the Township and a public nuisance.

(Ord. 12/8/1983, §2)

#### **§103. Owners Responsibility.**

The owner of any premises, whether occupied by the owner or not, shall be responsible to remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of §101 hereof. Both the owner and the occupant, in the case of premises occupied by other than the owner, shall be jointly responsible for compliance with this Part.

(Ord. 12/8/1983, §3)

#### **§104. Service of Notice.**

In addition to the penalties hereinafter imposed in this Part, the Board of Supervisors of the Township, or any officer or employee of the Township designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, or either of them, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of §101 hereof directing and requiring such occupant or owner, or both of them, to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part within five days after issuance of such notice.

## HEALTH AND SAFETY

(Ord. 12/8/1983, §4)

### **§105. Abatement of Nuisance.**

In the event the owner or occupant, or both of them, shall neglect, fail or refuse to comply with the notice provided for in §104 hereof within the period of time stated therein, the Township authorities may, but need not, cause such grass, weeds or vegetation to be removed, trimmed or cut. There is hereby imposed a charge of \$10 plus the actual costs of labor involved for each time the Township shall cause such grass, weeds or vegetation to be removed, trimmed or cut; and the owner or occupant, or both of them, shall be billed after the same has been completed.

(Ord. 12/8/1983, §5)

### **§106. Unpaid Bills Assessed Penalties and Become Liens.**

Should any bill or bills for the removing, trimming or cutting of such grass, weeds or vegetation be unpaid for a period of 30 days after the same shall be submitted to the owner or occupant, or both of them, a penalty of 10% shall be added to such bill or bills and a lien shall be filed against the premises in the same manner in which all other municipal lien claims are filed.

(Ord. 12/8/1983, §6)

### **§107. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 12/8/1983, §7; as amended by Ord. 12/15/1987; and by Ord. 9/11/1997, §1)



## Part 2

### Dangerous Structures

#### §201. Definitions and Word Usage.

1. Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Part its most reasonable application consistent with its intent.

BOARD — the Board of Supervisors of the Township of Montour (see “Township” hereinbelow).

DANGEROUS BUILDINGS — all the buildings or structures which have any or all of the following defects; and, all such buildings or structures shall be deemed dangerous buildings:

- (1) Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation.
- (2) Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life and safety, morals or the general health and welfare of the occupants or the people of the Township.
- (3) Those which have become or are so dilapidated, decayed, unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living as to render them unfit for human habitation.
- (4) Those which have become or are so dilapidated, decayed, unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living as to render them likely to cause accidents, sickness, or disease, so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the Township.
- (5) Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property.
- (6) Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township.

SHALL — is always mandatory and not merely directory.

TOWNSHIP — the Township of Montour, County of Columbia, in the Commonwealth of Pennsylvania.

## HEALTH AND SAFETY

2. Words used in the present tense include the future and past, words in the plural number include the singular, words in the singular number include the plural, and words either in the feminine, masculine or neuter shall include words of the other two genders.

(Ord. 4/13/2000, §201)

### **§202. Dangerous Buildings as Nuisances.**

1. All dangerous buildings are hereby declared to be public nuisances and shall be repaired, vacated or demolished.
2. Each day a nuisance in the form of a dangerous building continues, after notice is given that said dangerous building is to be repaired, vacated or demolished, shall constitute a separate offense in violation of this Part.

(Ord. 4/13/2000, §202)

### **§203. Investigation Procedure.**

Whenever it shall be reported or come to the attention of any Township official or police officer that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition, such person shall report the same to the Board; and, the Board shall immediately designate a Township official, employee or police officer to make an investigation and examination of such building or structure. If such investigation or examination indicates such building or structure is a dangerous building, a written report of such investigation shall be sent to the Board, specifying the exact condition of such building or structure and setting forth whether or in what respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it should be removed as a dangerous building.

(Ord. 4/13/2000, §203)

### **§204. Hearing Procedure.**

The Board shall:

- A. Upon receipt of a report in accordance with the investigation procedure provided for in §203 of this Part, give written notice to the owner or owners of such dangerous building as determined by the record in the Office of the Recorder of Deeds in and for the County of Columbia in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent or other person with an interest in said dangerous building who may be located, to appear before the Board on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, demolished or vacated in accordance with the statement of particulars set forth in the notice provided for herein.

- B. Within not less than 10 nor more than 60 days from the date of such notice, hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or other person having an interest in said building shall offer related to the dangerous building.
- C. Within 60 days of such hearing, make written findings of fact from the testimony offered pursuant to the hearing as to whether or not the building in question is a dangerous building.
- D. Within 60 days following the hearing provided for by Subsection (B) above, issue an order, based upon the findings of fact made pursuant to Subsection (C) above, demanding that the owner of said building repair, demolish or vacate the same if it is determined to be a dangerous building.

(Ord. 4/13/2000, §204)

#### **§205. Standards for Repair, Vacation or Demolition.**

The following standards shall be followed in substance by the Board in ordering repair, vacation or demolition of a dangerous building:

- A. If the dangerous building can be repaired as determined by the Board so that it will no longer exist in violation of the terms of this Part, the Board shall order that it be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, the Board shall order that it be vacated.
- C. If the dangerous building cannot be reasonably repaired as determined by the Board, the Board shall order that it be demolished.
- D. If the dangerous building is a fire hazard or is existing or erected in violation of the terms of this Part, any other ordinance of the Township or any statute of the Commonwealth of Pennsylvania, the Board shall order that it be demolished.

(Ord. 4/13/2000, §205)

#### **§206. Enforcement Procedures.**

- 1. If any structure is deemed to be a dangerous building within the standards of this Part, the Board shall forthwith cause notice to be served upon the owner or owners of such dangerous building as determined by the record in the Office of the Recorder of Deeds in and for the County of Columbia in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent or any other person with an interest in said dangerous building who may be located.

## HEALTH AND SAFETY

2. The notice required by this Section shall be served personally upon the owner or owners of a dangerous building if such owner resides, or such owners reside in the Township or personally upon his agent if such agent resides within the Township. If personal service required herein cannot be obtained, such notice shall be sent to the owner or owners of a dangerous building by certified mail at the last known address according to the records available in the Tax Assessment Office in and for the County of Columbia in the Commonwealth of Pennsylvania.
3. Such notice shall identify the building or structure deemed dangerous, contain a statement of the particulars which make the building or structure a dangerous building and include an order requiring the same to be put in such condition as to conform with the terms of this Part; provided further that in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto within the time period provided.
4. Such notice shall require any person notified to repair, vacate or demolish any building to commence the work or act required by the notice within 10 days of such notice and to comply with such repair, vacation or demolition within 60 days from the receipt of such notice.
5. The Board shall cause to be placed on all dangerous buildings a notice reading substantially as follows:

This building has been found to be a dangerous building by the Board of Supervisors of the Township of Montour, County of Columbia in the Commonwealth of Pennsylvania. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of the building. It is unlawful to remove this notice until compliance is made under the terms contained in the notice served on the above-named party.

(Ord. 4/13/2000, §206)

### **§207. Penalties.**

1. All fines provided for in this Section shall be in addition to costs.
2. Any person who shall fail to comply with any notice or order to repair, vacate or demolish any dangerous building, which notice is served by any person authorized to do so by the Board, shall, upon conviction before a district justice, be subject to a fine not exceeding \$300; and, in default of payment of the fine and costs, shall be subject to imprisonment for a period not exceeding 30 days.
3. Any person removing the notice provided for in §206(5) of this Part shall, upon conviction before a district justice, be subject to a fine not exceeding \$100; and, in default of payment of the fine and costs shall be subject to imprisonment for a period not exceeding 15 days.

4. Any person having an interest in any building who fails to comply with any notice or order to repair, vacate or demolish any dangerous building within 60 days of the receipt of such notice, by such failure, does empower the Board to cause such building or structure to be repaired, vacated or demolished by the Township and to cause the costs of such repair, vacation or demolition together with a penalty of 10% to be charged upon the land upon which the building exists as a municipal lien, or alternatively to recover such costs and penalty in a suit at law against the owner or owners but failing to recover same to have the judgment therefor to be charged upon the land as a lien; and, this subsection is separate from and in addition to the fine, penalty and costs which may be imposed by any other subsection of this §207.

(Ord. 4/13/2000, §207)

### **§208. Emergency Cases.**

In cases where it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous building, the Board shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected as provided for in §207(4) of this Part.

(Ord. 4/13/2000, §208)



### **Part 3**

#### **Numbering of Buildings**

##### **§301. Posting of Address Identification Numbers Required.**

The property owner of each dwelling and building shall post and display the legally assigned identification number assigned by the Township within 60 days after notice of the assignment of said number is received by such owner.

(Ord. 6/12/2003)

##### **§302. Regulations Regarding Numbers.**

1. The minimum size of any identification number which is attached to a dwelling or building shall be three inches in height.
2. The color of the identification number must be such that it is clearly visible as it relates to the background color upon which it is attached.
3. Every dwelling or building must place the identification number directly on the dwelling or building in a conspicuous place.
4. All identification numbers must be clearly visible from the street or road which provides access to the premises and cannot be obstructed by vegetation, trees or any other object.
5. If any dwelling or building is not visible from the street or road, the identification number must be posted on a post or masonry pillar visible from the street or road.

(Ord. 6/12/2003)

##### **§303. Notification of Violation.**

The Township shall give written notice, by regular mail and certified mail, to the owner of any premises not in conformance with this Part. Such notice shall advise the owner of the provisions of this Part and set forth the violation that exists. The owner shall be given 15 days after the issuance of such written notice to conform to the requirements of this Part.

(Ord. 6/12/2003)

##### **§304. Penalties.**

Any owner who violates any of the provisions of this Part shall, upon conviction, be guilty of a summary offense which is punishable by a fine of not more than \$600, plus costs, and in de-

## HEALTH AND SAFETY

fault of payment of such fine and costs, a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 6/12/2003)



## **Part 4**

### **Property Maintenance**

#### **§401. Adoption of Code.**

A certain document, three copies of which are on file in the office of the Secretary of the Township, being marked and designated as the "International Property Maintenance Code, 2006 edition," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township, in the State of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and providing for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township are hereby referred to, adopted, and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §402 of this Part.

(Ord. 3/8/2007)

#### **§402. Revisions.**

The following sections are hereby revised:

- A. Section 101.1 Title. These regulations shall be known as the "Property Maintenance Code of the Township of Montour," hereinafter referred to as "this code."
- B. Section 304.14 Insect screens. During the period from June 1 to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food-preparation areas, food-service areas or any area where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect-repellent fans, are employed.

- C. Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall

## HEALTH AND SAFETY

supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
  2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (17°C) shall be maintained.
- D. Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be applied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 3/8/2007)

### **§403. Deletions.**

The following sections are hereby deleted:

1. Section 103.5.
2. Section 302.4.
3. Section 302.8.

(Ord. 3/8/2007)

## **CHAPTER 11**

### **HOUSING**

(Reserved to accommodate future ordinances)

## **CHAPTER 12**

### **LIBRARIES**

(Reserved to accommodate future ordinances)

## **CHAPTER 13**

### **LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS**

#### **Part 1**

**(Reserved to accommodate future ordinances)**

#### **Part 2**

##### **Transient Retail Merchants**

- §201. Definitions**
- §202. License Required; Fee**
- §203. Exceptions**
- §204. Applications**
- §205. Issuance of License; Licensee's Duties**
- §206. Prohibited Activities**
- §207. Supervision and Record Maintenance**
- §208. Revocation of License**
- §209. Penalties**



**Part 1**

**(Reserved to accommodate future enactments)**





## **Part 2**

### **Transient Retail Merchants**

#### **§201. Definitions.**

Unless otherwise expressly provided, the following words and phrases shall, for the purposes of this Part, have the following meanings:

1. PERSON – any natural person, association, partnership, corporation, firm or other legal entity.
2. TOWNSHIP – the Township of Montour, Columbia County, Pennsylvania.
3. TRANSIENT RETAIL BUSINESS – engaging in peddling, canvassing, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the Township; or selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the Township on a temporary basis.

(Ord. 6/14/84, §1)

#### **§202. License Required; Fee.**

No person shall engage in any transient retail business within the Township without first having obtained from the Township Zoning Officer a license, for which, except as provided in §203 hereof, a fee shall be charged, in accordance with the fee schedule adopted by the Board of Supervisors, for the use of the Township to defray administrative and enforcement costs.

(Ord. 6/14/84, §2; as amended by Ord. 12/15/1987)

#### **§203. Exceptions.**

The provisions of this Part requiring the payment of a fee to obtain a license hereunder shall not apply to the following:

- A. Farmers selling their own produce;
- B. Persons selling goods, wares and merchandise, the proceeds of which are to be applied to any charitable or philanthropic purpose;
- C. Any manufacturer or producer in the sale of bakery products, meat products, or milk products; and

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- D. Any salesman who solicits trade from wholesale and retail dealers within the Township.
- E. Residents selling used goods at “yard sales” or “garage sales” provided such activity does not extend beyond six days per year.

PROVIDED, HOWEVER, all persons exempted hereby from the payment of the license fee shall be required to register with the Township Secretary and obtain a license without fee PROVIDED, FURTHER, any person dealing in one or more of the above mentioned exempted categories and dealing in other goods, wares, or merchandise not so exempted, shall be subject to the payment of the license fee fixed by §202 hereof for his activities in connection with the sale of goods, wares, and merchandise not in such exempted categories. PROVIDED, FURTHER, every license issued under the provisions of this Part shall be issued on an individual basis to a person engaging in such business; every individual shall obtain a separate license, issued to him in his name, and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain a single license for all of its members, each of whom shall be issued a duplicate thereof.

(Ord. 6/14/1984, §3; as amended by Ord. 12/15/1987)

### **§204. Application Requirements.**

Every person desiring a license under this Part shall first make application to the Township Zoning Officer for such license. He shall, when making such application, exhibit a valid license from any state or county officer, if such license is also required. The applicant shall state:

- 1. His criminal record, if any;
- 2. Name and address of the person by whom he is employed;
- 3. Type of goods, wares, and merchandise he wishes to deal with in such transient retail business;
- 4. Length of time for which license is to be issued; and
- 5. Type and license number of the vehicle to be used, if any. (Ord. 6/14/1984, §4; as amended by Ord. 12/15/1987)

### **§205. Issuance of License; Licensee's Duties.**

Upon receipt of such application and the prescribed fee, the Township Zoning Officer, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefore. Every license holder shall carry such license upon his person if engaged in transi-

ent retail business from house to house or upon any of the streets, alleys, sidewalks, or public grounds, or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, municipal officials, and citizens or residents of the Township. (Ord. 6/14/1984, §5; as amended by Ord. 12/15/1987)

**§206. Prohibited Activities.**

No person engaged in any transient retail business shall:

1. Sell any product or type of product not mentioned in his license;
2. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the Township;
3. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the Township for longer than necessary to sell therefrom to persons residing or working in the immediate vicinity;
4. Park any vehicle upon any streets or alleys in the Township for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or any stock or wares or foodstuffs which may have become unsaleable through handling, age or otherwise; and
5. Engage in any business activity, except by prior appointment, before 9:00 a.m. or after 8:00 p.m..

(Ord. 6/14/1984, §6; as amended by Ord. 12/15/1987)

**§207. Supervision and Record Maintenance.**

The Township Zoning Officer shall supervise the activities of all persons holding licenses under this Part. He shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the Montour Township Board of Supervisors. (Ord. 6/14/84, §7; as amended by Ord. 12/15/1987)

**§208. Revocation of License.**

The Township Zoning Officer is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be in the interest of the public health, safety, or morals, or for violation of any provision of this Part, or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the Montour Township Board of Supervisors at any time within 10 days after such suspension or revocation. No part of a license fee

## LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

shall be refunded to any person whose license shall have been suspended or revoked. (Ord. 6/14/1984, §8; as amended by Ord. 12/15/1987)

### **§209. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. (Ord. 6/14/1984, §9; as amended by Ord. 12/15/1987); and by Ord. 9/11/1997, §1)

## **CHAPTER 14**

### **MOBILE HOMES AND MOBILE HOME PARKS**

(See Subdivision and Land Development, Chapter 22, §507(2))

(See Zoning, Chapter 27, §402(2H & 8H))

(Reserved to accommodate future ordinances)

**CHAPTER 15**  
**MOTOR VEHICLES AND TRAFFIC**

**Part 1**

**General Regulations**

- §101. Definitions and Interpretation**
- §102. Manner of Adopting Permanent Traffic and Parking Regulations**
- §103. Provisions to be a Continuation of Existing Regulations**
- §104. Temporary and Emergency Regulations**
- §105. Experimental Regulations**
- §106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events**
- §107. Use of Streets by Processions and Assemblages**
- §108. Authority of Police Officers**
- §109. Authorization for Use of Speed Timing Devices**

**Part 2**

**Traffic Regulations**

- §201. Maximum Speed Limits Established on Certain Streets**
- §202. One-Way Streets Established**
- §203. Turning at Certain Intersections Prohibited or Restricted**
- §204. No-Passing Zones Established**
- §205. Through Highways Established**
- §206. Stop Intersections Established**
- §207. Operation of Motor Vehicles Restricted on Public Lands**
- §208. Skates, Coasters, Sleds and Other Toy Vehicles**

**Part 3**

**Restrictions on Vehicle Weight Limits**

- §301. Vehicle Weight Limits Established on Certain Streets and Bridges**

**Part 4**

**General Parking Regulations**

- §401. Vehicles to be Parked Within Marked Spaces**

## MOTOR VEHICLES AND TRAFFIC

- §402.       Parking Prohibited at All Times in Certain Locations**
- §403.       Penalty for Violation**

### Part 5

#### Snow and Ice Emergency

- §501.       Declaration of Snow and Ice Emergency**
- §502.       Parking Prohibited, Driving of Motor Vehicles Restricted, on Snow  
Emergency Routes During Emergency**
- §503.       Snow Emergency Routes Designated**
- §504.       Penalty for Violation**

## **Part 1**

### **General Regulations**

#### **§101. Definitions and Interpretation.**

1. Words and phrases, when used in this chapter, except for sections or Parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this chapter, the word “street” may be used interchangeably with the word “highway” and shall have the same meaning as the word “highway” as defined in the Vehicle Code.
2. The term “legal holidays,” as used in this chapter, shall mean and include: New Year’s Day, Martin Luther King Jr’s Birthday, President’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 12/15/1987)

#### **§102. Manner of Adopting Permanent Traffic and Parking Regulations.**

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

(Ord. 12/15/1987)

#### **§103. Provisions to be Continuation of Existing Regulations.**

The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

(Ord. 12/15/1987)



## MOTOR VEHICLES AND TRAFFIC

### **§104. Temporary and Emergency Regulations.**

1. The Chief of Police shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
  - A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and
  - B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter 15 for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than \$25 together with costs of prosecution.

(Ord. 12/15/1987)

### **§105. Experimental Regulations.**

The Board of Supervisors may, from time to time by resolution, designate places upon and along the highways in the Township where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than \$25 together with costs of prosecution; provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

(Ord. 12/15/1987)

**§106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.**

1. Board of Supervisors shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
2. Board of Supervisors shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987)

**§107. Use of Streets by Processions and Assemblages.**

1. For the purpose of this section, the words “assemblage” and “procession” shall have the following meanings:

ASSEMBLAGE — a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

PROCESSION — a group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Chief of Police, which shall be issued for a fee equal to the estimated cost to the Township resulting from the assemblage. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

## MOTOR VEHICLES AND TRAFFIC

3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Chief of Police, which shall be issued for a fee equal to the estimated cost to the Township resulting from the procession. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.
4. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987)

### **§108. Authority of Police Officers.**

The police officers of the Township are hereby given authority to direct traffic on the highways of the Township of Montour and at intersections thereof.

(Ord. 12/15/1987)

### **§109. Authorization for Use of Speed Timing Devices.**

1. The Montour Township Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with Title 75, P.C.S.
2. This section authorizes the use of said devices upon all highways within the Township, be they Township, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 P.C.S. et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 12/15/1987)

**Part 2**  
**Traffic Regulations**

**§201. Maximum Speed Limits Established on Certain Streets.**

1. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street:

<b>Street</b>	<b>Between</b>	<b>Maximum Speed Limit</b>
SR0042 (Rupert Dr.)	South from T356 3,000 ft	35 MPH
SR0042 (Legion Dr.)	West from SR0042 4,000 ft	35 MPH
SR4036 (Perry Ave.)	Entire length	30 MPH
TR330 (Tower Dr.-Part)	Entire length	35 MPH
TR332 (Tower Dr.-Part)	T416 and TR330	35 MPH
TR358 (Deussen Dr. & Welliver Dr.)	Entire length	35 MPH
TR416 (Valley Rd.)	Entire length	35 MPH

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(Ord. 12/15/1987)

**§202. One-Way Streets Established.**

1. The following are established as one-way streets, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Direction of Travel</b>
TR416 (Valley Rd.)	SR0011	West 500 ft	West

## MOTOR VEHICLES AND TRAFFIC

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987)

### **§203. Turning at Certain Intersections Prohibited or Restricted.**

- It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this section:

<b>Vehicles Traveling on</b>	<b>Direction of Travel</b>	<b>Not to Make</b>	<b>Into</b>	<b>Prohibit- ed When</b>	<b>Type of Vehicle Applica- ble to</b>
TR416 (Valley Rd.)	West	Left turn	TR418	All times	All
TR418 (Di- vision St.)	North	Left turn	TR416	All times	All
TR437 (Boone Rd.)	West	Left turn	TR416 (Valley Rd.)	All times	All

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987; as amended by Ord. 11/13/2003; by Ord. 4/15/2005; and by Ord. 8/11/2005)

### **§204. No-Passing Zones Established.**

- The following are established as no-passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no-passing zone:

<b>Street</b>	<b>Direction of Travel</b>	<b>Between</b>
TR330 (Tower Dr.-Part)	All	Entire length
TR332 (Tower Dr.-Part)	All	TR416 & TR330

<b>Street</b>	<b>Direction of Travel</b>	<b>Between</b>
TR358 (Deussen Dr. & Welliver Dr.)	All	Entire length
TR416 (Valley Rd.)	All	Entire length

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987)

### **§205. Through Highways Established.**

- The following highways are established as through highways, thus authorizing stop or yield signs to be erected facing traffic approaching every intersection with the through highway except for those intersections with traffic signals, or with exceptions or modifications as indicated below. Every driver of a vehicle approaching a stop or yield sign authorized by this section shall stop the vehicle or yield right-of-way as required by Section 3323(b) or 3323(c) of the Vehicle Code, as the case may be, and shall not proceed into or across the through highway until he has followed all applicable requirements of that section of the law:

<b>Highway</b>	<b>Between</b>
TR416 (Valley Rd.)	SR0011 (U.S. 11) & the Montour County Line
TR453 (Avon Ave.)	SR4036 (Perry Ave.) & end
TR455 (Middle Ave.)	SR4036 (Perry Ave.) & end

- Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987)

### **§206. Stop Intersections Established.**

- The following intersections (in addition to intersections with the through highways established by §205) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first named or stop street, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that section of the law.

## MOTOR VEHICLES AND TRAFFIC

<b>Stop Street</b>	<b>Intersecting or Through Street</b>	<b>Direction of Travel</b>
TR332 (Brobst Dr.)	TR330 & T332 (Tower Dr.)	South
TR356 (Hock St.)	TR407 (Cross St.)	South
TR358 (Welliver Dr.)	TR437 (Boone Rd.)	All
TR363 (Surrey Ln.)	TR418 (Division St.)	West
TR364 (Sunken Heights Ave.)	TR361 (Colonial Ave.)	South
TR453 (Avon Ave.)	TR361 (Colonial Ave.)	South

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987; as amended by Ord. 9/12/1996A, 9/12/1996, §1)

### **§207. Operation of Motor Vehicles Restricted on Public Lands.**

No motor vehicle or motorcycle or minibike shall be operated on any lands owned by the Township or any other public body or agency within the Township, except on those lands specifically designated for the operation of motor vehicles, motorcycles or minibikes by resolution of the Board of Supervisors. (Ord. 12/15/1987)

### **§208. Skates, Coasters, Sleds and Other Toy Vehicles.**

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Township or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of §105 of Part 1 of this chapter, provided that nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
2. It shall be unlawful for any person to engage in roller skating or to ride upon or propel any coaster or other toy vehicle upon:
  - A. Any street except in order to cross the roadway; or
  - B. Any sidewalk located in a business district, except that nothing in this paragraph shall prevent a pedestrian from pulling a coaster or other toy vehicle, with or without a rider, upon a sidewalk.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

(Ord. 12/15/1987)

**Part 3****Restrictions on Vehicle Weight Limits****§301. Vehicle Weight Limits Established on Certain Streets and Bridges.**

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

<b>Street or Bridge</b>	<b>Between</b>	<b>Maximum Gross Weight</b>
TR330 (Tower Dr.-Part)	Entire Length	8 tons
TR332 (Tower Dr.-Part & Brobst Dr.)	Entire Length	8 tons
TR346 (Quarry Dr.-Part)	Entire Length	8 tons
TR358 (Deussen Dr. & Welliver Dr.)	Entire Length	8 tons
TR416 (Valley Rd.)	Entire Length	8 tons
TR435 (Hollow Rd.)	Entire Length	8 tons
TR437 (Boone Rd.)	Entire Length	8 tons
TR439 (Tower Dr.-Part)	Entire Length	8 tons

2. Any person who violates any provision of this section shall be prosecuted under Sections 4902(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

(Ord. 12/15/1987)





## Part 4

### General Parking Regulations

#### **§401. Vehicles to be Parked Within Marked Spaces.**

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Part for any person to park a vehicle or allow it to remain parked otherwise.

(Ord. 12/15/1987)

#### **§402. Parking Prohibited at All Times in Certain Locations.**

Parking shall be prohibited at all times in the following locations:

<b>Street</b>	<b>Side</b>	<b>Between</b>
TR416 (Valley Rd.)	Both	Beginning 800 ft east of the Montour County Line and extending east 500 ft
TR416 (Valley Rd.)	North	Beginning at the intersection of SR 4004 (Quarry Drive) and TR 416 (Valley Road) and extending east 325 feet
TR800 (Perry Ave.)		Within the hammerhead, consisting of the northernmost 50 feet

(Ord. 12/15/1987; as amended by Ord. 11/13/97B, §1; and by Ord. 10/8/1998, §1)

#### **§403. Penalties.**

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$15 and costs; provided that it shall be the duty of the police officers and of parking enforcement personnel of the Township to report to the appropriate official all violations of any provision of this Part, indicating, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of \$5 within 48 hours after the time of the notice, or if he will place the sum of \$5, enclosed within the envelope provided, in the special parking fine box installed at the municipal building in the Township, that

## MOTOR VEHICLES AND TRAFFIC

act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this section.

(Ord. 12/15/1987)

## Part 5

### Snow and Ice Emergency

#### **§501. Declaration of Snow and Ice Emergency.**

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §503 of this Part, the Chief of Police, in his discretion, may declare a snow and ice emergency (designated in this Part as a “snow emergency”). Information on the existence of a snow emergency may be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

(Ord. 12/15/1987)

#### **§502. Parking Prohibited, Driving Motor Vehicles Restricted, on Snow Emergency Routes During Emergency.**

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §503 of this Part; or
- B. To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow tires or chains.

(Ord. 12/15/1987)

#### **§503. Snow Emergency Routes Designated.**

The following are designated as snow emergency routes:

<b>Street</b>	<b>Between</b>
TR330 (Tower Dr.-Part)	Entire length
TR332 (Tower Dr.-Part)	TR416 (Valley Rd.) and TR330 (Tower Dr.-Part)
TR346 (Quarry Dr.-Part)	Entire length
TR358 (Deussen Dr. & Welliver Dr.)	Entire length
TR361 (Colonial Ave.)	TR453 (Avon Ave.) and TR364 (Sunken Heights Ave.)
TR364 (Sunken Heights Ave.-Part)	Entire length

## MOTOR VEHICLES AND TRAFFIC

<b>Street</b>	<b>Between</b>
TR411 (Jackson St.-Part)	Entire length
TR414 (Terrace Dr.)	Entire length
TR416 (Valley Rd.)	Entire length
TR437 (Boone Rd.)	Entire length
TR449 (Hunter St.)	Entire length
TR451 (Gipple St.)	Entire length
TR453 (Avon Ave.)	Entire length
TR455 (Middle Ave.)	Entire length

(Ord. 12/15/1987)

### **§504. Penalty for Violation.**

1. If, at any time during a period of snow emergency declared under §501 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.
2. If, at any time during a period of snow emergency declared under §501 of this Part, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

(Ord. 12/15/1987)

## **CHAPTER 16**

### **PARKS AND RECREATION**

(Reserved to accommodate future ordinances)

## **CHAPTER 17**

### **PLANNED RESIDENTIAL DEVELOPMENT**

(See Chapter 22, Subdivision and Land Development; Chapter 27, Zoning)

(Reserved to accommodate future ordinances)

**CHAPTER 18**  
**SEWERS AND SEWAGE DISPOSAL**

**Part 1**

**Holding Tanks**

**A. General Provisions**

- §101. Purposes**
- §102. Definitions**
- §103. Rights and Privileges Granted**
- §104. Rules and Regulations**
- §105. Rates and Charges**
- §106. Exclusiveness of Rights and Privileges**
- §107. Duties of Improved Property Owner**
- §108. Penalties**
- §109. Abatement of Nuisances**

**B. Rules and Regulations**

- §151. Definitions**
- §152. Application for Permit**
- §153. Permit Term and Renewal**
- §154. Removal of Holding Tank**
- §155. Requirements for Holding Tank**
- §156. Inspections and Certification of Pumping**

**Part 2**

**Sewage Disposal Systems**

- §201. Duties and Powers of Committee**
- §202. Appointment of Representative**
- §203. Appeal Board**
- §204. Budget**
- §205. Audit**
- §206. Effective Date and Termination**

**Part 3**

**Sewage Disposal System Maintenance**

- §301. Title**



## SEWERS AND SEWAGE DISPOSAL

- §302. Definitions**
- §303. Applicability**
- §304. Operation and Maintenance Regulations**
- §305. Inspections and Orders by the SEO**
- §306. Penalties**

### **Part 4**

#### **Regulation of Installation of Individual or Community Sewage Disposal Systems**

- §401. Permit Required**
- §402. Fees**
- §403. Effective Date; Penalty**

### **Part 5**

#### **Public Sewers**

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

- §501. Definitions**

##### **B. Use of Public Sewers Required**

- §511. Connection Required**
- §512. Limitations and Restrictions**
- §513. Prohibitions; General**
- §514. Septic Tank Use Prohibited**
- §515. Septic Tank Connection Prohibited**
- §516. Notice to Connect**

##### **C. Building Sewers and Connections**

- §521. Application for Permit**
- §522. Separate/Independent Connection**
- §523. Costs and Expenses of Construction and Connection**
- §524. Connection**
- §525. Failure to Connect**

##### **D. Rules and Regulations Governing Building Sewers and Connections**

- §531. Existing Sewer Lines**
- §532. Inspection**
- §533. Maintenance**
- §534. Excavation**

- §535. Grease Interceptors**
- §536. Remedy of Unsatisfactory Condition**
- §537. Additional Rules and Regulations**
  
- E. Enforcement**
  
- §541. Penalty**
- §542. Enforceability**
  
- F. Tapping Fee**
  
- §551. Application for Connection**
- §552. Imposition of Tapping Fee**
- §553. Tapping Fee; Minimum Fee**
- §554. Payment of Tapping Fee**
- §555. Calculation of Tapping Fee**
- §556. Tapping Fee Payable to Treasurer**
- §557. Enforcement**
  
- G. User Charge**
  
- §561. Imposition of User Charge**
- §562. User Charge Payable by Owner**
- §563. Flat Rate or EDU Determination**
- §564. Multiple-Use Improved Property**
- §565. Information Deemed Essential or Appropriate to be Furnished to Township**
- §566. Special Agreements**
- §567. Billing Period**
- §568. Payment Required When Bill Due**
- §569. Correct Mailing Address**
- §570. Official Action by Township**
  
- H. Prohibited Wastes**
  
- §571. Discharge Prohibited**



## **Part 1**

### **Holding Tanks**

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

##### **§101. Purposes.**

The purpose of this Part 1 is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from residential or commercial uses, and it is hereby declared that the enactment of this Part 1 is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

(Ord. 8/9/1990, 8/9/1990, §101)

##### **§102. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part 1 shall be as follows:

**BOARD** — the Board of Supervisors of Montour Township, Columbia County, Pennsylvania.

**HOLDING TANK** — a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**IMPROVED PROPERTY** — any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

**OWNER** — any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**PERSON** — any individual, partnership, company, association, corporation or other group or entity.

**SEWAGE** — any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

**TOWNSHIP** — Montour Township, Columbia County, Pennsylvania.

## SEWERS AND SEWAGE DISPOSAL

(Ord. 8/9/1990, 8/9/1990, §201)

### **§103. Rights and Privileges Granted.**

The Board is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

(Ord. 8/9/1990, 8/9/1990, §301)

### **§104. Rules and Regulations.**

The Board is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. All such rules and regulations shall be in conformity with the provisions hereof and all applicable laws of the Commonwealth of Pennsylvania.

(Ord. 8/9/1990, 8/9/1990, §401)

### **§105. Rates and Charges.**

The Board shall have the right and power to fix, alter, charge and collect rates, assessments and other charges.

(Ord. 8/9/1990, 8/9/1990, §501)

### **§106. Exclusiveness of Rights and Privileges.**

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done under the direction and control of the Board, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.
2. The Board, or its authorized designee, will receive and review pumping receipts from permitted holding tanks and will retain the same for a period of five years.
3. The Board, or its authorized designee, will complete annual inspection reports for each permitted tank and will retain the same for a period of five years.

(Ord. 8/9/1990, 8/9/1990, §601)

**§107. Duties of Improved Property Owner.**

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this Part 1, the provisions of any applicable law, and the rules and regulations of the Board and any administrative agency of the Commonwealth of Pennsylvania.
- B. Provide to the Board the financial security required by §152 of the Regulations adopted pursuant to §104 hereof.
- C. Permit the Board or its agent to inspect holding tanks on an annual basis.
- D. Permit the Board or its agent to collect, transport, and dispose of the contents therein.

(Ord. 8/9/1990, 8/9/1990, §701)

**§108. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 8/9/1990, 8/9/1990, §801; as amended by Ord. 9/11/1997, §1)

**§109. Abatement of Nuisances.**

In addition to any other remedies provided in this Part, any violation of §107 hereof shall constitute a nuisance and may be abated by the Township which may seek mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 8/9/1990, 8/9/1990, §901)



## **B. Rules and Regulations**

### **§151. Definitions.**

Unless otherwise expressly provided, the following words and phrases shall, for the purposes of these regulations, have the following meanings:

**ACT** — the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 et seq., as from time to time amended.

**BOARD** — the Board of Supervisors of Montour Township, Columbia County, Pennsylvania.

**COMMITTEE** — the Columbia County Sanitary Administrative Committee.

**DEPARTMENT** — the Pennsylvania Department of Environmental Resources or its successor State agency.

**DISPOSAL SITE** — a suitable facility for the final disposition of human and animal sewage and waste, which facility shall have been and remains approved for such purposes by the Department.

**HOLDING TANK** — a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

**HOLDING TANK CLEANER** — the person who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.

**LOT** — a parcel of land under single ownership, regardless of acreage. In the event the subject lands are a portion of a larger parcel of ground, the larger parcel of ground shall be considered as the “lot.”

**OFFICER** — the duly appointed Sewage Enforcement Officer of the Township.

**OWNER** — any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**PERSON** — any natural person, association, partnership, corporation, firm or other legal entity.

**SEWAGE** — any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

**TOWNSHIP** — the Township of Montour, Columbia County, Pennsylvania.



## SEWERS AND SEWAGE DISPOSAL

(Res. 8/9/1990, 8/9/1990, Article I)

### **§152. Application for Permit.**

1. Any owner seeking to use a holding tank for sewage disposal on any lot situated in the Township shall first obtain a permit from the Officer; provided, however, that no permit shall be required for an animal manure storage facility designed and operated in accordance with the Department's approved manure management practices.
2. Permit application shall be made upon a form to be supplied by the Officer to any owner upon such owner's request.
3. The owner shall file the completed and executed application for permit with the Officer and shall pay to the Officer such application fee as the Committee may from time to time prescribe.
4. The owner shall cooperate with the Officer at all stages of the application process.
5. A permit shall be issued to the owner upon proper application provided that where required by the Department's Regulations the Board has amended its Official Sewage Facilities Plan and the Department has approved such amendment.
6. Prior to a permit being granted, the owner shall obtain and file with the Officer a certified copy of each of the following documents:
  - A. A completed application;
  - B. A written contract between the owner and a qualified and responsible holding tank cleaner for the term of the holding tank permit, which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner to an approved disposal site for final disposition;
  - C. A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to dispose of the holding tank contents for a time extending at least until the end of the period for which the holding tank permit is requested, which contract shall conform to 25 Pa. Code, Chapter 71. Permittee shall provide the Officer with copies of invoices from the disposal site;
  - D. The fee established by the Committee;
  - E. An agreement, in the form required by the Board, to reimburse and indemnify the Township for any liability, costs and expenses which shall or may be incurred by the Township in actions to enforce compliance with Part 1A

of this chapter by the owner or to remove the contents of the holding tank or the holding tank itself upon default or failure of the owner to do so and for any fines incurred by the Township by reason of the owner's failure to comply with these regulations, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania;

- F. The amendment of the Township's Official Sewage Facilities Plan adopted by the Board and approved by the Department.
7. The applicant shall provide financial security in a form approved by the Township in an amount equal to \$1 for each one gallon of the holding tank's capacity which security shall provide for, and secure to the Township, the applicant's compliance with these regulations, the Township's Holding Tank Ordinance [Part 1A] and the regulations of the Department pertaining to holding tanks.

(Res. 8/9/1990, 8/9/1990, Article II)

#### **§153. Permit Term and Renewal.**

1. A permit for a holding tank shall be issued under the provisions of the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535, as amended (the "Act"), the applicable regulations of the Department of Environmental Protection (the "regulations") and this Part 1. A permit shall expire if construction or installation of the permitted holding tank and the structure for which the holding tank is to be installed has not begun within three years after permit issuance, or such other time as provided by the regulations. Where a permit expires, a new permit shall be obtained prior to beginning the construction or installation.
2. In the event an owner holding a permit shall violate any provision of the Act, the regulations, this Part 1 or any condition of the permit, the permit shall be revoked.

(Res. 8/9/1990, 8/9/1990, Article III; as amended by Ord. 4/10/1997, §1)

#### **§154. Removal of Holding Tank.**

1. Upon the expiration or revocation of a permit, the owner shall remove or cause the removal of the holding tank within 20 days of the end of the term for which the permit was issued.
2. In the event a holding tank permit has been issued for a newly erected commercial structure pending the installation of an off-site sewage disposal system, the owner shall remove or cause the removal of the holding tank within 20 days after the use of the off-site sewage disposal system is made available to the owner and shall connect with the off-site disposal system in the same time.

## SEWERS AND SEWAGE DISPOSAL

3. The Township, at its election, shall have the right to enter upon the premises of an owner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of these regulations. "Township" as used herein shall mean the Township, its employees or third parties contracted with by the Township for the purpose of removing the holding tank. All costs and expenses of removal shall be borne by the owner.

(Res. 8/9/1990, 8/9/1990, Article IV)

### **§155. Requirements for Holding Tanks.**

1. Any holding tank installed or maintained pursuant to a permit issued under these regulations shall comply, in all respects, with the specifications set forth in the regulations of the Department pertaining to holding tanks.
2. The owner shall cause the holding tank and all lines, pipes or conduits to the same to be maintained in a good watertight condition at all<sup>1</sup> times.
3. All holding tanks shall be installed in a firm and stable soil or subsoil and in such manner as to prevent settlement or movement.
4. The owner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level of less than 75% of the tank capacity.
5. Holding tanks shall be installed at least 50 feet downgrade from any storage of water supply.

(Res. 8/9/1990, 8/9/1990, Article V)

### **§156. Inspections and Certification of Pumping.**

1. Any owner who applies for and receives a permit for a holding tank shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by the Officer. At reasonable times during the hours of 8:00 a.m. to 8:00 p.m., the owner shall grant the Officer access to the premises for the purpose of making such inspections upon request of the Officer verbally or in writing.
2. Any owner receiving a holding tank permit shall furnish to the Township a true and correct copy of all pumping receipts for cleaning or removing the contents of the holding tank. Such reports shall be made to the Officer within 10 days after the contents of the holding tank are pumped out.

---

<sup>1</sup> Res. 8/9/1990 read "the."

3. The failure of an owner to permit inspection of a holding tank or equipment or facilities used in connection therewith; the failure of the owner to have the holding tank properly maintained and pumped out; or the failure of the owner to furnish pumping receipts to the Township in a timely fashion shall be grounds for immediate revocation of his permit.
4. The Committee shall inspect all holding tanks in the Township on an annual basis and following such inspection shall forward an invoice to each owner thereof for the fee for such inspection established by the Committee. The owner shall pay such invoice within 30 days of its receipt.

(Res. 8/9/1990, 8/9/1990, Article VI; as amended by Ord. 4/10/1997, §2)



## **Part 2**

### **Sewage Disposal Systems**

#### **§201. Duties and Powers of Committee.**

The Township of Montour, Columbia County, Pennsylvania, hereby directs, authorizes and empowers the [Columbia County Sanitary Administrative] Committee to administer all sections of the Act 537 described in §6(c)(1) and §13.2(b) including the following:

- A. Accept applications for, make the required inspections and issue, deny or revoke permits pursuant to the requirements of the [Pennsylvania Sewage Facilities] Act for and on behalf of the Township.
- B. Appoint one or more Sewage Enforcement Officer(s) to make, on behalf of the Township, the required inspections within the Township and to receive applications for and to issue in the name of the Township permits as provided for by the Act or deny or revoke the same.
- C. Collect on behalf of the Township the permit fees that shall be fixed by the Committee and adopted by the Township, which permit fees shall be turned over to the Committee, the Township further agreeing to turn over to the Committee all monies appropriated by or paid to the Township in connection with the carrying out of the provisions of the Act.
- D. Employ such office staff, consultants, legal advisors and field help as it deems proper, insofar as its budget shall permit.
- E. Through the Sewage Enforcement Officers, institute such legal proceedings as it deems necessary or as advisable to insure compliance with the Act.

(Ord. 5/9/1996)

#### **§202. Appointment of Representative.**

The Township, in furtherance of the implementation of this regional program, hereby constitutes and appoints one representative of the Township to serve as a member of the Committee, said appointment to continue in full force and effect until such time as the Township withdraws from the program or until such person ceases to be an elected Supervisor or Councilman of the Township.

(Ord. 5/9/1996)

## SEWERS AND SEWAGE DISPOSAL

### **§203. Appeal Board.**

The Township of Montour, Columbia County, hereby directs, authorizes and empowers the Committee to establish an Appeal Board, including the appointment of members thereto, to conduct hearings in the event of the denial or revocation of any permit, in accordance with the provisions of the Act, for and on behalf of the Township.

(Ord. 5/9/1996)

### **§204. Budget.**

The Committee shall present a proposed annual budget no later than November 30 at the semiannual Administrative Committee meeting, at which time the budget is to be adopted as presented or be revised, then adopted. The new budget will become effective January 1 of the following year.

(Ord. 5/9/1996)

### **§205. Audit.**

The Committee shall furnish the Township with an annual audit of its books and records.

(Ord. 5/9/1996)

### **§206. Effective Date and Termination.**

This Part shall take effect upon its adoption as provided by law and continue in effect from year to year thereafter unless terminated by the Township at the end of any year following notice thereof to the Committee on or before November 1 of any such year.

(Ord. 5/9/1996)

### **Part 3**

#### **Sewage Disposal System Maintenance**

##### **§301. Title.**

This part may be cited as the “Montour Township Sewage Disposal System Maintenance Regulations.”

(Ord. 8/11/1988, §1)

##### **§302. Definitions.**

Unless otherwise expressly provided, the following words and phrases shall, for the purposes of this Part, have the following meanings:

**ABSORPTION AREA** — a component of an individual or community sewage system where the liquid from a septic tank or other treatment tank seeps into the soil; it consists of an aggregate-filled area containing piping for the distribution of liquid into the soil or sand/soil combination located beneath the aggregate.

**ALTERNATE SEWAGE SYSTEM** — a system employing the use of demonstrated technology in a manner not specifically recognized by Chapter 73 of the Rules and Regulations of the Department of Environmental Resources.

**COMMUNITY SEWAGE SYSTEM** — any system, whether publicly or privately owned, for the collection of sewage or industrial waste of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more lots or at any other site.

**EXPERIMENTAL SEWAGE SYSTEM** — any method of sewage disposal not described in Chapter 73 of the Rules and Regulations of the Department of Environmental Resources which is proposed for the purpose of testing and observation.

**INDIVIDUAL SEWAGE SYSTEM** — a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth or by means of conveyance to another site for final disposal.

**INDUSTRIAL WASTE** — any liquid, gaseous, radioactive, solid or other substance which is not sewage resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers, other coal processing operations, quarries or iron mines. The term shall include all such substances whether or not generally characterized as waste.



## SEWERS AND SEWAGE DISPOSAL

MALFUNCTION — any one or more of the following conditions:

- A. Sewage flow is blocked or restricted in the sewage system which causes the back-up of sewage into a building, structure or part thereof.
- B. Sewage rises to the surface of the ground over a septic tank or flows out of a septic tank vent.
- C. Sewage rises to the surface of the ground over the absorption area or down-grade from the absorption area at the bank or road cut.
- D. Untreated or partially treated sewage, liquid kitchen or laundry waste, or shower or bathtub wash water is discharged to the surface of the ground or into the waters of the Commonwealth without specific approval by the Department of Environmental Resources.
- E. Sewage enters the water table without complete treatment resulting in pollution of drinking water or the waters of the Commonwealth.

PERSON — shall include any individual, association, public or private corporation for profit or not-for-profit, partnership, firm, trust or estate.

SEPTAGE — the scum, grease, sludge and liquid which accumulates in a septic tank.

SEPTIC TANK — a water-tight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place prior to its discharge to an absorption area.

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

SEWAGE ENFORCEMENT OFFICER (SEO) — the person or persons designated by the Township of Montour to review and approve permit applications and conduct inspections pursuant to the provisions of Chapters 71 and 73 of the Rules and Regulations of the Department of Environmental Resources.

SEWAGE SYSTEM — any alternate, experimental, community or individual sewage system.

SHOWER FLOW RESTRICTOR — a valve, insert or other control device which is placed in the water supply line to a showerhead and restricts the flow rate to three gallons per minute or less at 60 pounds per square inch of pressure.

TOILET TANK DAM — a brick, bottle, retaining dam or other device which is inserted into the toilet tank and reduces the amount of water used per flush by one gallon or more.

WATER CONSERVATION PRACTICES — very low or no-cost ways to reduce water usage such as repairing leaky faucets, running dish and clothes washers only when full, reducing the length of showers, reducing the use of running water while shaving or washing, etc.

WATERS OF THE COMMONWEALTH — rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water or any of their parts, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WATER-SAVING TOILET — a flush toilet designed to use 3.5 gallons of water or less per flush

WATER-SAVING SHOWERHEAD — a showerhead designed to discharge 2.5 gallons of water per minute or less at 60 pounds per square inch of water pressure.

(Ord. 8/11/1988, §2)

### **§303. Applicability.**

1. This Part 3 applies to all individual, community, alternate and experimental sewage systems located within the Township of Montour.
2. This Part 3 shall not be interpreted in any way as governing, constraining or limiting any actions that the Township or SEO may take regarding any sewage system which is creating a nuisance or causing pollution of the waters of the Commonwealth.

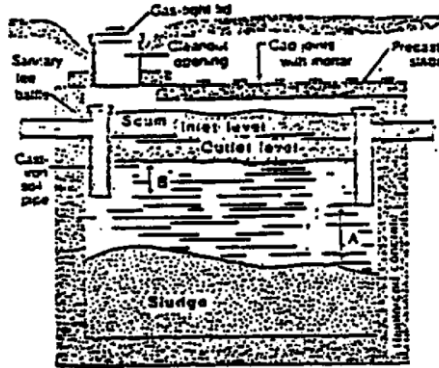
(Ord. 8/11/1988, §3)

### **§304. Operation and Maintenance Regulations.**

Sewage systems shall be operated and maintained in accordance with the following regulations:

1. Septic tanks shall be pumped to remove septage whenever the vertical distance between the top of the sludge and the bottom of the outlet baffle (distance A on Figure 1) is eight inches or less or whenever the vertical distance between the bottom scum layer and the bottom of the inlet baffle (distance B on Figure 1) is three inches or less.

## SEWERS AND SEWAGE DISPOSAL



2. The provisions of §304(1) notwithstanding, septic tanks shall be pumped to remove septage whenever four years have elapsed since the previous pumping.
3. Whenever a septic tank is pumped, a copy of the receipt for the cost thereof or other evidence to substantiate said pumping shall be forwarded to the Montour Township Secretary addressed as follows:  
  
Montour Township Secretary  
195 Rupert Drive  
Bloomsburg, Pennsylvania 17815
4. Roof drains, cellar drains, foundation drains, basement sump pumps and other sources of rainwater or groundwater shall not be discharged into any sewage system.
5. The ground surface shall be graded so that stormwater runoff does not pond or collect on the surface of the ground overlying the absorption area.
6. No industrial wastes shall be discharged into any sewage system without first obtaining any permits required for such discharge by the Department of Environmental Resources.
7. Solids such as coffee grounds, cigarette butts, etc. which degrade slowly or do not settle well shall not be discharged into any sewage system.
8. Garbage grinders shall not be discharged into sewage systems.
9. Gasoline, solvents, motor oils, other hydrocarbons, paints, and other chemicals which are not renovated by sewage systems shall not be discharged into sewage systems.
10. Pipes, tanks, joints, baffles, distribution boxes and all other parts of sewage systems shall be maintained in sound working condition.

11. Pumps, compressors, aerators, controls and other electrical or mechanical equipment which are parts of sewage systems shall be maintained in working order.
12. Water conservation practices, water-saving showerheads or shower flow restrictors, toilet tank dams or water-saving toilets shall be installed and used in buildings which are served by sewage systems which experience a malfunction after the effective date of this Part 3; provided, however, that the Montour Township Board of Supervisors, upon the recommendation of the SEO, may approve the cessation of the use of such practices and devices where the sewage system has been rehabilitated.
13. If a sewage system which has an undersized septic tank according to the regulations of the Department of Environmental Resources or no septic tank experiences a malfunction after the effective date of this Part 3, the owner shall install a septic tank which meets the requirements of Chapter 73 of the Department of Environmental Resources Rules and Regulations.
14. Sewage systems permitted directly by the Pennsylvania Department of Environmental Resources pursuant to the Clean Streams Law shall not be subject to the pumping requirements set forth in §304(1) and (2).

(Ord. 8/11/1988, §4)

#### **§305. Inspections and Orders by the SEO.**

1. The SEO may enter at reasonable times any building, structure, premises, lot or land for the purpose of making inspections to determine compliance with provisions of this Part 3.
2. Whenever the SEO finds any condition or practice which is inconsistent with the provisions of this Part 3, he may issue a written order to the responsible person stating that the condition or practice found is inconsistent with this Part 3 and directing that the condition or practice be abated, corrected or ceased within such time specified in the order.
3. After the expiration of the time period specified in any written order, the SEO shall determine whether the order has been complied with and notify the responsible person in writing if the order has not been complied with.
4. In the event of non-compliance with any order, the SEO may issue a subsequent order stating again that the condition or practice found is inconsistent with this Part 3 and directing that the condition or practice be abated, corrected or ceased within such time specified in the order.

(Ord. 8/11/1988, §5)

## SEWERS AND SEWAGE DISPOSAL

### **§306. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part or fail to comply with an order made by the SEO under §305, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 8/11/1988, §6; as amended by Ord. 9/11/1997, §1)

## **Part 4**

### **Regulation of Installation of Individual or Community Sewage Disposal Systems**

#### **§401. Permit Required.**

No person or persons shall install any individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed, or repair, replace or enlarge any<sup>2</sup> treatment tank, subsurface absorption area, or holding tank in Montour Township, regardless of lot size or acreage, without first obtaining a permit indicating that the site and plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act of 1966, P.L. 1513, and any rules and regulations adopted pursuant of the Act.

(Ord. 7, 7/11/1975, §1)

#### **§402. Fees.**

The fees will be based on the fee schedule adopted by the Columbia County Sanitary Administrative Committee and should be paid to the Committee at the time of making application for a permit for such individual or community sewage disposal system or the construction of a building in which such system is to be installed.

(Ord. 7, 7/11/1975, §2)

#### **§403. Effective Date; Penalty.**

1. This Part shall be in force and effect immediately after its passage and legal publication.
2. Failure to comply with this Part may result in the imposition of the penalties prescribed by said Act.

(Ord. 7, 7/11/1975, §3)

---

<sup>2</sup> Ord. 7 read “or repaired, replacement or enlargement of any..”



## **Part 5**

### **Public Sewers**

#### **A. Definitions**

##### **§501. Definitions.**

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

**BUILDING SEWER** — the extension from the sewage drainage system of any improved property to the lateral of a sewer.

**COMMERCIAL ESTABLISHMENT** — any room, group of rooms, building or enclosure connected, directly or indirectly, to the sewer system and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service.

**DOMESTIC SANITARY SEWAGE** — normal water-carried household and toilet wastes discharged from any improved property.

**EDUCATIONAL ESTABLISHMENT** — any room, group of rooms, building or other enclosure connected, directly to indirectly, to the sewer system and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

**EQUIVALENT DWELLING UNIT or EDU** — the unit of measure by which a user charge may be imposed upon an improved property, as determined in this Part or in any subsequent ordinance of the Township, which shall be deemed to constitute the estimated, equivalent amount of domestic sanitary sewage discharged by a single-family dwelling unit.

**IMPROVED PROPERTY** — any property located within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals, from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** — any improved property located in the Township used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article, or any other improved property located in the Township from which wastes, in addition to or other than sanitary sewage, are discharged.

**INDUSTRIAL WASTES** — any and all wastes discharged from an industrial establishment, other than sanitary sewage.



## SEWERS AND SEWAGE DISPOSAL

INSTITUTIONAL ESTABLISHMENT — any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories and educational establishments, which does not constitute a commercial establishment, a dwelling unit or an industrial establishment.

LATERAL — that part of the sewer system extending from a sewer to the property line.

MULTIPLE USE IMPROVED PROPERTY — any improved property upon which there shall exist any combination of a dwelling unit, commercial establishment, industrial establishment, educational establishment or institutional establishment.

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

PERSON — any individual, partnership, company, association, society, corporation or other group or entity.

SANITARY SEWAGE — normal water-carried household and toilet wastes discharged from any improved property.

SEWER — any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — all facilities, as of any particular time, for collecting, transporting, pumping, treating and/or disposing of sanitary sewerage and/or industrial wastes, in or about the service area of the Township as prescribed, to be constructed, acquired, owned, maintained and operated by the Township in, adjacent to and for certain portions of the Township, but not including building sewers.

TOWNSHIP — the Township of Montour, Columbia County, Pennsylvania, acting by and through its Board, by and through its authorized representatives.

USER — any person who discharges, causes or permits the discharge of, or is required under subpart B of this Part to discharge, wastewater into the sewer system or the WWTF.

USER CHARGE — the rentals or charges imposed by the Township hereunder, as amended from time to time, against the owner of each improved property, or other user, for the use of the sewer system and services rendered or available to be rendered thereby.

(Ord. 1-1997, 1/15/1997, §1)

## **B. Use of Public Sewers Required**

### **§511. Connection Required.**

The owner of any improved property located in the Township which adjoins or is adjacent to or whose principal building is within 150 feet of the sewer system shall connect such improved property to the sewer system, in such manner as the Township may require, within 60 days after notice to such owner from the Township to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township, from time to time.

(Ord. 1-1997, 1/15/1997, §511)

### **§512. Limitations and Restrictions.**

All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §511, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township from time to time.

(Ord. 1-1997, 1/15/1997, §512)

### **§513. Prohibitions; General.**

1. No person shall place or deposit or permit to be placed or deposited upon public or private property within the Township any sanitary sewage or industrial wastes in violation of §511.
2. No person shall discharge or permit to be discharged to any natural outlet within the Township and sanitary sewage or industrial wastes in violation of §511, except where suitable treatment has been provided which is satisfactory to the Township.

(Ord. 1-1997, 1/15/1997, §513)

### **§514. Septic Tank Use Prohibited.**

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under §511 to be connected to a sewer.
2. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be pumped and filled with suitable earth or stone at the expense of the owner of such improved property and under the direction and supervision of

## SEWERS AND SEWAGE DISPOSAL

the Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.

(Ord. 1-1997, 1/15/1997, §514)

### **§515. Septic Tank Connection Prohibited.**

No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

(Ord. 1-1997, 1/15/1997, §515)

### **§516. Notice to Connect.**

The notice by the Township to make a connection to a sewer, referred to in §511, shall include a reference to this Subpart B, including any amendments at the time in effect, or a brief summary of each Section thereof, and a written or printed document requiring such connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive, convey and treat sanitary sewage and industrial wastes. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(Ord. 1-1997, 1/15/1997, §516)

## **C. Building Sewers and Connections**

### **§521. Application for Permit.**

No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any sewer or the sewer system without first making application for and securing a permit, in writing, from the Township.

(Ord. 1-1997, 1/15/1997, §521)

### **§522. Separate/Independent Connection.**

Except as otherwise provided in this section, each improved property shall be connected separately and independently with a lateral through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Township, in writing, shall have been secured.

(Ord. 1-1997, 1/15/1997, §522)

### **§523. Costs and Expenses of Construction and Connection.**

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a lateral, including the cost and expense of acquiring, installing and operating any required grinder pump and appurtenances, shall be borne by the owner of the improved property to be connected. Further, if no lateral exists at the improved property, the owner shall bear all costs and expenses of furnishing and installing the lateral to the sewer. Such owner shall indemnify and save harmless the Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer, of connection of a building sewer to a lateral or of connection of a lateral to the sewer.

(Ord. 1-1997, 1/15/1997, §523; as amended by Ord. 5/8/1997, §1; by Ord. 11/13/1997A, §1; by Ord. 6/8/2000, §1; and by Ord. 6/12/2003)

### **§524. Connection.**

A building sewer shall be connected to a sewer at the place designated by the Township and where the lateral is provided. The invert of a building sewer at the point of connection to a lateral shall be at the same or at a higher elevation than the invert of the lateral terminus at the property line. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight. All material and construction shall meet the requirements of the Township's "Building Sewer Construction Standards," a document available at the Township Office and incorporated herein by reference.

## SEWERS AND SEWAGE DISPOSAL

(Ord. 1-1997, 1/15/1997, §524; as amended by Ord. 5/18/2000, §1)

### **§525. Failure to Connect.**

If the owner of any improved property located in the Township and benefited, improved or accommodated by the sewer system, after 60 days notice from the Township, in accordance with §511, shall fail to connect such improved property, as required, the Township may make such connection and may collect from such owner the costs and expenses thereof. In such case, the Township shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction and all related costs of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, the Township shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

(Ord. 1-1997, 1/15/1997, §525)

**D. Rules and Regulations Governing Building Sewers and Connections.**

**§531. Existing Sewer Lines.**

When an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer, in accordance with the Township's "Building Sewer Construction Standards."

(Ord. 1-1997, 1/15/1997, §531; as amended by Ord. 5/18/2000, §3)

**§532. Inspection.**

No building sewer shall be covered until it has been inspected and approved by the Township. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

(Ord. 1-1997, 1/15/1997, §532)

**§533. Maintenance.**

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

(Ord. 1-1997, 1/15/1997, §533)

**§534. Excavation.**

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township.

(Ord. 1-1997, 1/15/1997, §534)

**§535. Grease Interceptors.**

The Township may require any user of the Township's sewer system to install, at the customer's expense, a grease interceptor when, in the opinion of the Township, such an interceptor is necessary for the proper handling of liquid waste so as to contain fats, tar, oils and/or grease deemed harmful to the Township's sewer system and/or its processes.

## SEWERS AND SEWAGE DISPOSAL

The size and type of such interceptor shall be provided to the Township for its prior review and approval according to the customer's maximum volume and rate of discharge. Grease interceptors shall be installed upon the line of the facility of the customer and at such location as to make it readily accessible for inspection by an employee or agent of the Township.

(Ord. 1/16/2002A, §1)

### **§536. Remedy of Unsatisfactory Condition.**

If any person shall fail or refuse, upon receipt of a notice of the Township, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, the Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Township.

(Ord. 1-1997, 1/15/1997, §535)

### **§537. Additional Rules and Regulations.**

The Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 1-1997, 1/15/1997, §536)

## **E. Enforcement**

### **§541. Penalty.**

Any person who shall violate any provision of Subpart B, C, D or H of this Part shall, on conviction thereof, be sentenced to pay a fine of not more than \$1,000 and/or to imprisonment for not more than 90 days together with costs of prosecution. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

(Ord. 1-1997, 1/15/1997, §541; as amended by Ord. 9/11/1997, §1; and by Ord. 5/18/2000, §4)

### **§542. Enforceability.**

Fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 1-1997, 1/15/1997, §542)





## **F. Tapping Fee**

### **§551. Application for Connection.**

No person shall connect any improved property with any part of the sewer system without first making application for and securing a permit, in writing, from the Township, as provided for in the connection ordinance of the Township. Such application shall be made on a form to be provided by the Township.

(Ord. 1-1997, 1/15/1997, §551)

### **§552. Imposition of Tapping Fee.**

The Township hereby does impose a tapping fee, in the amount set forth in §553, hereof, against the owner of any improved property in the area served by the sewer system which is required to be connected pursuant to the connection ordinance of the Township then in effect requiring such connection, or which otherwise is connected to the sewer system.

(Ord. 1-1997, 1/15/1997, §552)

### **§553. Tapping Fee; Minimum Fee.**

1. The fees payable by the owner of improved property described in §552 shall be as provided for in the Fee Schedule adopted by the Board of Supervisors.
2. “Equivalent dwelling units” shall mean the unit of measure by which the tapping fee shall be imposed upon each improved property served by the sewer system, as determined in the resolution establishing periodic user fees against users of the sewer system, or any subsequent rate resolution of the Township adopted from time to time.
3. The minimum tapping fee applicable to any improved property served by the sewer system shall be the applicable amount times one equivalent dwelling unit. To this minimum tapping fee shall be added the applicable charge for each additional equivalent dwelling unit that is determined to be applicable to such improved property.

(Ord. 1-1997, 1/15/1997, §553; as amended by Ord. 11/13/1997A, §2; and by Ord. 8/11/2005)

### **§554. Payment of Tapping Fee.**

The tapping fee shall be due and payable the earlier of:

## SEWERS AND SEWAGE DISPOSAL

1. The time application is made to the Township to make any such connection to the sewer system, as provided in §551, or, if applicable, the date when the Township shall connect any such improved property to the sewer system, at the cost and expense of the owner, when such owner shall have failed to make such connection as required by the Township pursuant to the provisions of Subpart B, hereof, then in effect requiring such connection; or
2. In the case of property initially to be connected to the completed sewer system, the date which is 60 days after the date of issuance by the Township of the notice to connect.

(Ord. 1-1997, 1/15/1997, §554)

### **§555. Calculation of Tapping Fee.**

Calculation and itemization of the maximum tapping fee, pursuant to Act 203, is attached hereto as Exhibit “A”<sup>3</sup> and made a part hereof.

(Ord. 1-1997, 1/15/1997, §555)

### **§556. Tapping Fee Payable to Treasurer.**

All tapping fees shall be payable to the Treasurer’ of the Township or to such other officer or representative of the Township as shall be authorized, from time to time, by resolution of the Township, to accept payment thereof.

(Ord. 1-1997, 1/15/1997, §556)

### **§557. Enforcement.**

Payment of tapping fees imposed by the Township pursuant to this Part shall be enforced by the Township in any manner appropriate under laws at the time in effect.

(Ord. 1-1997, 1/15/1997, §557)

---

<sup>3</sup> Editor’s Note: Exhibit “A” is on file in the Township office.

## **G. User Charge**

### **§561. Imposition of User Charge.**

A user charge is hereby imposed upon the owner of each improved property which shall be connected to the sewer system, and any other user, for use of the sewer system, whether such use is direct or indirect, and for services rendered by the Township in connection therewith, and shall be payable as provided herein. At the discretion of the Township, such user charge may be imposed upon the owner of an improved property or other user who fails to timely connect such improved property to the sewer system in violation of subpart B of this Part as compensation for the availability of service by the Township in connection with the sewer system.

(Ord. 1-1997, 1/15/1997, §561)

### **§562. User Charge Payable by Owner.**

The user charge shall be payable by the owner of each improved property or other use, commencing the earlier of:

1. The day after actual, physical connection of an improved property to the sewer system;
2. The day after the date which is 60 days from the date indicated in a notice to connect, as described in Subpart B of this Part;
3. The day after the date which is 120 days from the date a permit for connection to the sewer system is issued; or
4. Such other date established by the Township for commencement of the payment of the user charge.

(Ord. 1-1997, 1/15/1997, §562; as amended by Ord. 12/12/2002)

### **§563. Flat Rate or EDU Determination.**

1. The user charge applicable to any improved property shall be calculated, imposed and collected according to a flat rate or EDU basis as determined and applied by the Township.
2. An improved property billed on a flat rate basis shall be charged a user charge as a specific amount per equivalent dwelling unit applicable to such improved property, as determined by the Township, from time to time. The number of equivalent dwelling units applicable to each improved property shall be determined as follows:

## SEWERS AND SEWAGE DISPOSAL

## COMPUTATION OF EQUIVALENT DWELLING UNITS

<b>Description of Improved Property</b>	<b>Unit of Measurement</b>	<b>Number of EDU's per Unit of Measurement</b>
Residential dwelling unit (year-round or seasonal)	Each single-family dwelling unit	1
Retail store, professional office or other commercial or office use or establishment	1 to 20 employees	1
	Each additional 20 employees or fraction thereof	1
Restaurant, club, tavern or other retail food or drink establishment	1 to 20 customer seats	1
	Each additional 20 seats or fraction thereof	1
Beauty parlor or barber shop (attached to or part of a dwelling unit)	First 3 chairs	1
	Each 3 additional chairs or fraction thereof	1
Beauty or barber shop (not attached to or part of a dwelling unit)	First chair	1
	Each additional chair	1
School, public or private		
Without kitchen	Per each 20 pupils, faculty, administrators and staff or fraction thereof	1
With kitchen	Per each 14 pupils, faculty, administrators and staff or fraction thereof	1
Church	Each property	1
Fire company	Each property	1

Description of Improved Property	Unit of Measurement	Number of EDU's per Unit of Measurement
Industrial establishment	1 to 10 employees	1
	Each additional 10 employees or fraction thereof	1
Mobile home park	Each space	1
Campground, with central comfort station	First 20 spaces	1
	Each additional 20 spaces or fraction thereof	1
Automobile service station or commercial vehicle repair shop	1 or 2 bays	1
	Each additional 2 bays or fraction thereof	1
Day-care facility	Per each 20 children and staff or fraction thereof	1

3. The number of equivalent dwelling units applicable to commercial establishments and industrial establishments shall be computed on the basis of the average daily number of full and part-time employees [including the owner(s) or employer(s)] for the calendar month preceding the date of the monthly billing. The owners of such facilities shall be responsible for advising the Township in writing of the number of employees upon connection to the sewer system and upon request of the Township. The number of equivalent dwelling units applicable to educational and institutional establishments shall be computed on the basis of the highest monthly average daily attendance of pupils (plus faculty, administrators and staff) during the 12 months preceding the date of the monthly billing. The owners of such facilities shall be responsible for advising the Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Township. The number of equivalent dwelling units applicable to campgrounds, with central comfort station, shall be computed on the basis of the average daily number of spaces being occupied during the 12 months preceding the date of the monthly billing. The owners of such facilities shall be responsible for advising the Township in writing of the average daily number of spaces being occupied upon request of the Township.

4. If the use or classification of any improved property changes within a billing period, the user charge for such billing period may be prorated by the Township. The owner of the improved property shall be responsible for advising the Township in writing of any such change affecting the user charge payable hereunder. The ap-

## SEWERS AND SEWAGE DISPOSAL

propriate credit or additional charge shall appear on the statement for the next succeeding billing period.

5. The monthly flat rate user charge payable per equivalent dwelling unit shall be as set forth in the Fee Schedule.<sup>4</sup>

(Ord. 1-1997, 1/15/1997, §563; as amended by Ord. 6/10/2004; <sup>5</sup> by Ord. 7/8/2004; and by Ord. 2/9/2006)

### **§564. Multiple-Use Improved Property.**

In the case of a multiple-use improved property sharing a common connection to the sewer system or a common structure, each such classification of improved property shall pay a separate user charge, as though it were housed in a separate structure and had a direct and separate connection to the sewer system, computed in accordance with §563 of this Part.

(Ord. 1-1997, 1/15/1997, §564)

### **§565. Information Deemed Essential or Appropriate to be Furnished to Township.**

1. The owner of any improved property discharging domestic sanitary sewage or industrial wastes into the sewer system shall furnish to the Township, including by way of the application for permit described in Subpart B of this Part, all information deemed essential or appropriate by the Township for the determination of all applicable user charges and surcharges. The costs of obtaining such information shall be borne by such owner of the improved property.
2. In the event of the failure of the owner to provide adequate information, the Township shall estimate the applicable user charge and surcharges based upon available information until such time as adequate information is received. There shall be no rebate of past payments if the owner's refusal to provide such information results in overpayment.

(Ord. 1-1997, 1/15/1997, §565)

### **§566. Special Agreements.**

Nothing herein contained shall be deemed to prohibit the Township from entering into separate or special agreements with any owner of improved property with respect to the

---

<sup>4</sup> Editor's Note: The specific fee from this section was removed to the Fee Schedule in Chapter 1, Part 6, of this Code, in order to maintain the style of keeping all of the fees in a single location.

<sup>5</sup> Editor's Note: Ord. 7/8/2004 provided that this ordinance shall take effect and be in force as of July 15, 2004.

user charge or surcharge to be imposed in those cases where, due to special or unusual circumstances, the user charge set forth herein shall be deemed by the Township, in its sole discretion, to be inequitable, or where it is in the best interests of the Township to do so.

(Ord. 1-1997, 1/15/1997, §567)

**§567. Billing Period.**

User charges shall be payable on a monthly basis, on the first day of each month, and shall cover a billing period consisting of the immediately preceding month. Owners of improved property that shall be first connected to the sewer system during any monthly period may pay a pro-rated user charge, determined by the Township, for service for the balance of the monthly period, plus any applicable surcharges.

(Ord. 1-1997, 1/15/1997, §568)

**§568. Payment Required When Bill Due.**

Payment of user charges and any applicable surcharges shall be due and payable upon the applicable billing date, at the office of the Treasurer or other designated representative of the Township, in the appropriate amount, computed in accordance with this Part, which shall constitute the net bill. If any user charge or any applicable surcharge is not paid within 30 calendar days after the applicable billing date, an additional sum of 10% shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 30 calendar day period shall constitute payment within such period. If the end of such 30 calendar day period shall fall on a legal holiday or on a Sunday, then payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. Interest shall accrue on any delinquent account at the maximum rate permitted by law. Any and all payments received on account of delinquent accounts shall be applied first to interest accrued on such account, then to the oldest outstanding gross bill, including any accumulated late fee, and each remaining gross bill thereafter in chronological order.

(Ord. 1-1997, 1/15/1997, §569)

**§569. Correct Mailing Address.**

It shall be the responsibility of each owner of an improved property to provide the Township with, and thereafter keep the Township continuously advised of, the correct mailing address of such owner. Failure of any owner to receive a bill for charges due and payable shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which any bill shall be payable.



## SEWERS AND SEWAGE DISPOSAL

(Ord. 1-1997, 1/15/1997, §570)

### **§570. Official Action by Township.**

No officer or employee of the Township is authorized to reduce, vary or exempt charges imposed herein or other provisions of this Subpart G without official action by the Board of Supervisors of the Township. Every owner of an improved property shall remain liable for the payment of user charges and surcharges until the later of the receipt by the Township of written notice by such owner that the property has been sold, containing the correct name and mailing address of the new owner, or the date on which title to the improved property is transferred to a new owner. Failure to provide notice renders an owner continuously liable for any charges that may accrue until such time as the Township has been properly notified of any change in ownership as described above.

(Ord. 1-1997, 1/15/1997, §571)

## **H. Prohibited Wastes**

### **§571. Discharge Prohibited.**

No person shall discharge or cause to be discharged into the sewer system any storm-water, surface water, spring water, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections.

(Ord. 5/18/2000, §5)

**CHAPTER 19**  
**SIGNS AND BILLBOARDS**

(See Zoning, Chapter 27, Part 7, §§701-703)

(Reserved to accommodate future ordinances)

## **CHAPTER 20**

### **SOLID WASTE**

**(See also Chapter 27, Zoning, §402(7G))**

#### **Part 1**

#### **Regulations**

- §101. Short Title**
- §102. Definitions**
- §103. Dumping Upon Surface or Underground Unlawful**
- §104. Dumping in Streams or Bodies of Water Unlawful**
- §105. Non-collectors May Transport Municipal Waste**
- §106. Normal Farm Activities Permitted**
- §107. [Reserved]**
- §108. Authorization to Collect Own Municipal Waste**
- §109. [Reserved]**
- §110. Storage May Not Create Health and Safety Hazards**
- §111. Storage in Containers Required**
- §112. Hazardous Waste**
- §113. Disposal at Licensed Facility Required**
- §114. Disposal of Bulky Waste**
- §115. Spillage Shall be Prevented and/or Cleaned Up**
- §116. [Reserved]**
- §117. Non-collectors Shall Collect Waste at Proper Intervals**
- §118. Agreement and Charges**
- §119. Regulations Concerning Recyclables**
- §120. Recyclables Shall Not be Collected by Unauthorized Persons**
- §121. Penalties**
- §122. Provision is Severable**
- §123. Subject to Federal and State Laws**
- §124. Regulations**
- §125. Repealer**



**Part 1**  
**Regulations**

**§101. Short Title.**

This Part 1 shall be known and may be cited as the “Montour Township Municipal Waste Management Regulations.” (Ord. 3/10/1988A, §1)

**§102. Definitions.**

As used in this Part 1, the following terms shall have the meanings indicated:

**DISPOSAL** — Incineration, deposition, injection, dumping, spilling, leaking or placing of municipal waste into or on the land or water in such a manner that the municipal waste or a constituent thereof enters the environment, is emitted into the air or is discharged into the waters of the Commonwealth of Pennsylvania.

**DISPOSAL AREA** — Any site, location, area, building, structure, transfer station or premises to be used for municipal waste disposal.

**GARBAGE** — All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**GLASS CONTAINERS** — All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass excluding, however, blue and flat glass and glass commonly known as window glass.

**INSTITUTIONAL ESTABLISHMENT** — Any establishment engaged in service to persons including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

**MUNICIPAL WASTE** — Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, except farm produced manure, other agricultural waste and food processing waste used on land where such materials will improve the condition of the soil, the growth of crops, or the restoration of the land for the same purposes, and any sludge not meeting the definition of residual or hazardous wastes as defined in Pennsylvania Act 97.

**NEWSPAPER** — Paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

## SOLID WASTE

Magazines and periodicals as well as all other paper products of any nature are not considered newspaper.

PERSON — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal government or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

RECYCLABLES — Materials having an economic value in the secondary materials market. The following materials have such economic value: aluminum cans and articles, bi-metal cans, glass containers, corrugated paper (cardboard and paper bags), magazines, computer printout paper, computer tab cards, office paper, steel cans, newspaper and paper products not chemically coated.

REFUSE — Garbage, rubbish and trade waste.

STORAGE — The containment of any waste on a temporary basis in such a manner as to not constitute disposal of such waste. It shall be presumed that the containment of any waste in excess of one year constitutes disposal. The presumption can be overcome by clear and convincing evidence to the contrary.

TOWNSHIP — Montour Township, Columbia County, Pennsylvania.

TRANSPORTATION — The off-site removal of any municipal waste at any time after generation.

(Ord. 3/10/1988A, §2; as amended by Ord. 1/16/2002B, §1)

### **§103. Dumping Upon Surface or Underground Unlawful.**

It shall be unlawful for any person to store, dump, discard or deposit; or permit the storage, dumping, discarding or depositing of any municipal waste upon the surface of the ground or underground within the jurisdictional limits of the Township, except in proper containers for purposes of storage or collection, and except where the waste is of such size or shape as not to permit its being placed in such containers. (Ord. 3/10/1988A, §3)

### **§104. Dumping in Streams or Bodies of Water Unlawful.**

It shall be unlawful for any person to dump or deposit municipal waste in any stream or body of water within the jurisdictional limits of the Township. (Ord. 3/10/1988A, §4)

**§105. Non-collectors May Transport Municipal Waste.**

Nothing contained herein shall be deemed to prohibit any person from hauling such municipal waste on an irregular and unscheduled basis, to any facility permitted by the Commonwealth of Pennsylvania, Department of Environmental Resources. (Ord. 3/10/1988A, §5)

**§106. Normal Farm Activities Permitted.**

Nothing contained in this Part 1 shall prohibit a farmer from carrying out the normal activities of his farming operation, including composting<sup>1</sup> and spreading of manure or other farm-produced agricultural wastes. (Ord. 3/10/1988A, §6)

**§107. Reserved.**

(Ord. 1/16/2002B, §2)

**§108. Authorization to Carry Own Municipal Waste.**

Persons who collect, transport and dispose of their own municipal waste are hereby authorized to do so, provided that they comply with all relevant provisions of this Part 1. (Ord. 3/10/1988A, §8)

**§109. Reserved.**

(Ord. 1/16/2002B, §2)

**§110. Storage May Not Create Health and Safety Hazards.**

The storage of all municipal waste shall be practiced so as to prevent the attraction, breeding or harborage of insects or rodents and to prevent conditions which may create potential hazards to the public health or which create fire and other safety hazards, odors, unsightliness or public nuisance. (Ord. 3/10/1988A, §10)

**§111. Storage in Containers Required.**

Any person accumulating or storing garbage on private or public property in the Township for any purpose whatsoever, including waste being stored temporarily for door-to-door collection, shall place the same or cause the same to be placed in sanitary closed or covered containers. Plastic trash bags, if not punctured, may be used to store municipal

---

<sup>1</sup> Editor's note: Ord. 3/10/1988A read "composing."



## SOLID WASTE

waste. A sufficient number of containers shall be provided to contain all municipal waste materials generated during periods between regularly scheduled collections that are required to be placed in containers. (Ord. 3/10/1988A, §11)

### **§112. Hazardous Waste.**

Municipal waste of a highly flammable or explosive nature, or highly infectious or contagious refuse shall not be stored for ordinary collection, but shall be disposed of in accordance with the directions of the Township. (Ord. 3/10/1988A, §12)

### **§113. Disposal of Licensed Facility Required.**

All municipal waste produced, collected and transported from the jurisdictional limits of the Township shall be promptly disposed of at facilities permitted by the Pennsylvania Department of Environmental Resources, and in accordance with the Township's solid waste management plan. (Ord. 3/10/1988A, §13)

### **§114. Disposal of Bulky Waste.**

In addition to other disposal procedures permitted by this Part 1, bulky wastes such as, but not limited to, refrigerators, stoves, other appliances, pieces of furniture, auto parts and other such household goods and equipment may be disposed of in the manner designated by the Township at any "clean-up" or collection fixed or set by the Township. (Ord. 3/10/1988A, §14)

### **§115. Spillage Shall be Prevented and/or Cleaned Up.**

Any person transporting municipal waste within the Township shall prevent and/or clean up and remove any spillage from vehicles or containers. (Ord. 3/10/1988A, §15)

### **§116. Reserved.**

(Ord. 1/16/2002B, §2)

### **§117. Non-Collectors Shall Collect Waste at Proper Intervals.**

Any persons who dispose of their own municipal waste shall collect the same at intervals short enough to prevent accumulations of refuse that may be unsafe, unsightly or potentially harmful to the public health. (Ord. 3/10/1988A, §17)

**§118. Agreements and Charges.**

All agreements and charges for collection, transportation and disposition of municipal waste shall be by private contract between the person and the collector. (Ord. 3/10/1988A, §18)

**§119. Regulations Concerning Recyclables.**

The Township may establish and revise from time to time regulations for the placing of recyclables for collection. (Ord. 3/10/1988A, §19)

**§120. Recyclables Shall Not be Collected by Unauthorized Persons.**

From the time of placement of recyclables at the curb by anyone for collection in accordance with the terms hereof, such items shall be and become the property of the party designated by the Township or its agents. It shall be a violation of this Part 1 for any unauthorized person to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more residences shall constitute a separate and distinct offense punishable as hereinafter provided. (Ord. 3/10/1988A, §20)

**§121. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. (Ord. 3/10/1988A, §21; as amended by Ord. 9/11/1997, §1)

**§122. Provision is Severable.**

Should any section, paragraph, sentence, clause or phrase of this Part 1 be declared unconstitutional or invalid for any reason, the remainder of this Part 1 shall not be affected thereby. (Ord. 3/10/1988A, §22)

**§123. Subject to Federal and State Laws.**

This Part 1 shall be subject to all applicable Federal and State laws, rules and regulations including the rules and regulations promulgated by the Pennsylvania Department of Environmental Resources. (Ord. 3/10/1988A, §23)

## SOLID WASTE

### **§124. Regulations.**

The Township may establish and revise regulations governing any matters covered by this Part 1. (Ord. 3/10/1988A, §24)

### **§125. Repealer.**

All ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Ord. 3/10/1988A, §25)

**CHAPTER 21**  
**STREETS AND SIDEWALKS**

**Part 1**

**Street Excavations/Openings**

- §101. Purpose**
- §102. Definitions**
- §103. Permits Required**
- §104. Application for Permit**
- §105. Permit Fees**
- §106. Conditions of Permit**
- §107. Work Completion**
- §108. Penalties**



## **Part 1**

### **Street Excavations/Openings**

#### **§101. Purpose.**

It is in the public interest to regulate:

- A. The location and construction of utility facilities and other structures within the Municipality's right-of-way; and
- B. The location, design, construction, maintenance and drainage of access driveways and private streets within the Municipality's right-of-way, for the purpose of insuring the structural integrity of the street, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic.

(Ord. 8/8/1985, §1)

#### **§102. Definitions.**

"Municipality" shall mean Township of Montour, Columbia County. (Ord. 8/8/1985, §2)

#### **§103. Permits Required.**

- 1. No work shall be performed within the right-of-way of any public road or street of the Municipality involving the placing or repair of utility facilities or other structures, opening of the surface for any purpose, laying out or constructing driveways or roads or any other means of ingress or egress, or altering of drainage without first obtaining a permit from the Municipality.
- 2. Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or restoration of service, but application for such permit and the fees shall be submitted as herein prescribed within five days after the commencement of the work.

(Ord. 8/8/1985, §3)

#### **§104. Application for Permit.**

The application for a permit shall be on a form prescribed by the Municipality and shall be submitted in triplicate to the Municipality's designated representative. The application for permit shall be accompanied by three copies of a plan detailing the location and pertinent dimensions of the opening, the proposed installation and related street fea-

## STREETS AND SIDEWALKS

tures (width of traveled roadway, right-of-way lines, distance to the nearest intersecting street, and for driveways, distance to side property lot lines). (Ord. 8/8/1985, §4)

### **§105. Permit Fees.**

The application for permit shall be accompanied by the appropriate fee provided for in the Township's Fee Resolution. Such fee shall cover the cost of processing the application and the first inspection of the work. Fees for additional inspections will be based on the cost of making the inspection. (Ord. 8/8/1985, §5; as amended by Ord. 4/13/1989, §5)

### **§106. Conditions of Permit.**

1. Drainage Control.
  - A. No increase in the flow of water onto the roadway or right-of-way or onto the property of some other person will be permitted without a drainage control plan.
  - B. If an increase of run-off as described in §106(1)(A) will occur, appropriate releases shall be obtained from the owners of land receiving the increased run-off and submitted with the application. The drainage release shall be notarized and recorded in the office of the Recorder of Deeds.
2. Work Standards. All work shall be done in such a manner as shall be consistent with the safety of the public. Where traffic control is necessary, it shall be accomplished according to the appropriate standards of the Pennsylvania Department of Transportation regulating work site traffic control in effect at the time the work is performed.
3. Damage to Public Facilities. The permittee shall restore all pavement and shoulders to their former condition at the expense of the permittee and shall be responsible for repairing any failure of facilities within two years of completion of the work. If the permittee fails to comply with this Section, the Municipality shall complete the necessary repairs and collect the costs as per §107 of this Part.
4. Driveway and Private Street Location.
  - A. All driveways and private streets shall be located, designed, constructed, and maintained so as not to interfere with the design, maintenance, and drainage of the street being intersected.
  - B. Driveways shall be permitted only at locations with adequate sight distance and which will not create a traffic hazard. Locations of private streets shall conform to the standards of the Township's Subdivision and Land Development Chapter.

5. Driveway Design Standards. All driveways must be constructed according to the current standards of the Pennsylvania Department of Transportation; provided, however, that every driveway shall be located at a point within the property frontage limits which provides at least the minimum sight\*\* distance set forth in the following table:

\*\* Ord. 5/12/88 read "site."

Applicable Speed Limit	Sight Distance <sup>1</sup> Left and Right (Feet)
25	255
30	320
35	395
40	470
45	555
50	645
55	740

6. Indemnification. The permittee shall fully indemnify and save harmless and defend the Municipality, its agents and employees, of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about, or upon the work, by, at the instance, or with the approval or consent of the permitter; from any failure of the permitter or any such person to comply with the permit or this Part; and, for a period of two years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.

(Ord. 8/8/1985, §6; as amended by Ord. 5/12/1988, §6)

### **§107. Work Completion.**

Upon completion of the work authorized by permit, the Municipality through its designated representative, shall cause the work to be inspected and, when necessary, enforce compliance with conditions prescribed by the permit and this Part. If the permitter shall fail to rectify any defect within 60 days of written notice from the Municipality to do so, the Municipality may cause the work to be performed and impose upon the permittee

---

<sup>1</sup> Measured from a point 42 inches above the center of the proposed driveway and 10 feet back into the driveway from the edge of the traveled or paved portion of the Township Road to points 42 inches above the center of the Township Road both to the right and left of the proposed driveway. [Ord. 5/12/88]



## STREETS AND SIDEWALKS

the cost thereof together with an additional 20% of such cost to offset administrative costs. (Ord. 8/8/1985, §7)

### **§108. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. (Ord. 8/8/1985, §8; as amended by Ord. 12/15/1987; and by Ord. 9/11/1997, §1)

**CHAPTER 22**  
**SUBDIVISION AND LAND DEVELOPMENT**

**Part 1**

**Purpose and Jurisdiction**

- §101. Title**
- §102. Jurisdiction**
- §103. Purpose**
- §104. Sanctions**

**Part 2**

**Definitions**

- §201. Inclusions**
- §202. Definitions**

**Part 3**

**Procedures**

- §301. General**
- §302. Sketch Plan**
- §303. Preliminary Plan**
- §304. Final Plan**
- §305. Special Procedures**

**Part 4**

**Required Improvements**

- §401. Requirements**
- §402. Monuments and Markers**
- §403. Streets and Sidewalks**
- §404. Off-Street Parking**
- §405. Utilities**
- §406. Recommended Improvements**
- §407. Floodproofing of Other Utilities and Facilities**

## **SUBDIVISION AND LAND DEVELOPMENT**

### **Part 5**

#### **Design Standards**

- §501. Application**
- §502. Streets**
- §503. Off-Street Parking**
- §504. Lot and Block Design**
- §505. Grading and Drainage**
- §506. Environmental and Landscape Considerations**
- §507. Land Development Standards**

### **Part 6**

#### **Improvement Agreement**

- §601. Agreements**
- §602. Guarantees**
- §603. Release from Guarantees**
- §604. Inspection and Improvements**
- §605. Remedies**

### **Part 7**

#### **Plan Requirements**

- §701. Sketch Plan**
- §702. Preliminary Plan**
- §703. Final Plan**
- §704. Minor Subdivisions**

### **Part 8**

#### **Administration**

- §801. Waivers**
- §802. Innovative Design**
- §803. Mediation Option**
- §804. Automatic Termination of Approval**

## **Table Of Road And Highway Design Standards For Montour Township**

## **Part 1**

### **Purpose and Jurisdiction**

#### **§101. Title.**

An ordinance establishing rules, regulations and standards governing the subdivision and development of land within Montour Township, setting forth the procedures to be followed by the Montour Township Planning Commission and the Montour Township Board of Supervisors in administering these rules, regulations and standards and setting forth the penalties for the violation thereof as established by the Commonwealth of Pennsylvania. This chapter may be cited as the "Montour Township Subdivision and Land Development Ordinance," as amended by Ordinance 12/12/1991A.

(Ord. 10/13/1971, §100; as amended by Ord. 12/12/1991A, §1)

#### **§102. Jurisdiction.**

1. Grant of Power. Section 501 of the Pennsylvania Municipalities Planning Code (Act 247) provides that Montour Township may regulate subdivision and land development within the municipality by enacting a subdivision and land development ordinance.
2. Applicability. This chapter requires that all plats of land lying within Montour Township be submitted for approval to the Montour Township Board of Supervisors. Further, all such plats shall be reviewed by the Montour Township Planning Commission in accordance with procedures set forth in this chapter prior to submission to the Board of Supervisors.
3. Interpretation. The provisions of this chapter shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this chapter, the provisions of such statute, ordinance or regulation shall prevail.
4. County Authority. The Columbia County Planning Commission is empowered under Section 502 of the Pennsylvania Municipalities Planning Code (Act 247) to review and report upon each subdivision or land development request before local approval and recording, as required by law. The submission of plans to the Columbia County Planning Commission for review and report must take place at the preliminary plan stage. After consideration of the County report, the Planning Commission and the Board of Supervisors may proceed to preliminary and final action.

(Ord. 10/13/1971, §110)

## SUBDIVISION AND LAND DEVELOPMENT

### **§103. Purpose.**

It is the general purpose of this chapter to regulate the division and development of land, including:

- A. Regulating the flow of traffic in the streets and highways.
- B. Furthering the orderly and appropriate use of land.
- C. Protecting public health, morals, welfare and safety.
- D. Facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public facilities.
- E. Assuring sites suitable for building purposes and human habitation and providing for the harmonious development of Montour Township.
- F. Coordinating proposed streets, parks, and other public use facilities with existing Montour Township facilities, features and policies and with adjacent municipalities and governmental agencies where the proposed development and facilities will create impact upon that municipality or agency.
- G. Ensuring adequate open space for traffic, recreation, light and air.
- H. Providing proper distribution of population.
- I. Giving effect to the policies and proposals of the Comprehensive Plan.
- J. Promoting the conservation of energy and the effective utilization of renewable energy sources.
- K. Providing for the reservation of certain land for future public purpose.
- L. Promoting flexibility, economy, efficient use of resources, and ingenuity in the design and development of land.
- M. Encouraging improved site planning and development in accordance with modern accepted professional practice.
- N. Providing for general community welfare by guiding and by protecting community amenities, environmental quality, convenience and facilities.
- O. Correcting problems as may presently exist and preventing problems which may be foreseen.

(Ord. 10/13/1971, §120; as amended by Ord. 7/6/1979B; and by Ord. 12/12/1991A, §2)

**§104. Sanctions.**

1. Effect of Ordinance. Hereafter, no person shall sell, agree to sell, transfer or otherwise convey, whether initially or cumulatively, by deed, agreement, lease or other instrument and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of this chapter.
2. Penalties.
  - A. Any person, partnership, or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erects any building thereon, unless and until a final plat has been prepared in full compliance with provisions of this chapter and of the regulations adopted hereunder and has been recorded as provided herein, shall upon being found liable therefore, in a civil enforcement proceeding commenced by Montour Township, pay a judgment of not more than \$500 per lot or parcel or per dwelling within each lot or parcel, plus all court costs, including reasonable attorney fees incurred by Montour Township as a result thereof. All fines collected for such violations shall be paid over to Montour Township. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor files a timely appeal of the judgment, Montour Township shall enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
  - B. Nothing contained in this chapter shall be construed or interpreted to grant to any person or entity other than Montour Township and its designee the right to commence any action for enforcement pursuant to this chapter.
  - C. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the

## SUBDIVISION AND LAND DEVELOPMENT

seller or transferor from such penalties or from the remedies herein provided.

(Ord. 10/13/1971, §130; amended by Ord. 12/15/1987; and by Ord. 12/12/1991A, §3).

## **Part 2**

### **Definitions**

#### **§201. Inclusions.**

As used in these regulations, words expressed in the singular include their plural meanings; and words expressed in the plural include their singular meanings. The word “person” includes a corporation, unincorporated association and a partnership, as well as an individual. The words “building” and “street” are used generally and shall be construed as if followed by the phrase “or part thereof”. The word “may” is permissive; the words “shall” and “will” are mandatory, subject to the provisions of §202 hereof.

(Ord. 10/13/1971, §200; as amended by Ord. 12/15/1987)

#### **§202. Definitions.**

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, and in the Pennsylvania Municipalities Planning Code, except where the context clearly indicates a different meaning. Any word or term not defined herein shall be used with a meaning of standard usage.

ACT — Act of July 31, 1968, P.L. 805, as amended, known as the “Pennsylvania Municipalities Planning Code.”

AGENT — any person, other than the developer, who, acting for the developer, submits to the Commission and governing body plans for the purpose of obtaining approval thereof.

ALLEY — a right-of-way providing secondary vehicular access to the side or rear of two or more properties.

ARTERIAL STREET — (See “street.”)

BLOCK — an area bounded by streets.

BUILDING — any structure, including mobile homes, having a roof supported by columns, or enclosed within exterior walls or fire walls, built, erected, or framed of component structural parts intended for the shelter, housing or enclosure of persons, animals or property.

BUILDING, PRINCIPAL — the main structure on a given lot, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.



## SUBDIVISION AND LAND DEVELOPMENT

**BUILDING, ACCESSORY** — a detached subordinate structure, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**BUILDING SETBACK LINE** — a line within a property defining the required minimum distance between any structure and the adjacent street line.

**CAMPGROUND** — a tract or tracts of land, or any portion thereof, used for the purpose of providing three or more spaces for motor homes, recreational vehicles, travel trailers or tents, with or without a fee charged for the leasing, renting or occupancy of such space.

**CARTWAY** — the portion of a street or alley intended for through vehicular travel.

**CENTER LINE** — a line located exactly in the center of the width of the cartway, right-of-way, easement, access, road or street.

**CHAIRMAN** — the Chairman of the Montour Township Planning Commission.

**CLEAR SIGHT TRIANGLE** — an area of unobstructed vision at street intersections defined by two street lines and by a line of sight between two points on the street lines at a given distance from the intersection.

**COLLECTOR STREET** — (See “Street.”)

**COMMISSION** — the Montour Township Planning Commission, unless otherwise noted.

**COMMUNITY FACILITY** — a building or structure, or nonstructural improvement, such as an easement for utilities or stormwater control, jointly owned and/or maintained by property owners within a subdivision, or by a governmental agency, to provide a public service.

**CONDOMINIUM** — a building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONVERSION APARTMENT** — dwelling units created by the division of a large building (single-unit dwelling, barn, or other structure) into a multi-unit structure without substantially altering the building exterior.

**COUNTY** — Columbia County, Pennsylvania, unless otherwise noted.

**CUL-DE-SAC** — a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**DEDICATION** — the deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**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.

**DEVELOPMENT AGREEMENT** — a formal binding written agreement between a developer and Montour Township negotiated as part of the subdivision or land development plan approval process which specifies responsibility of the developer as conditions of plan approval, including but not limited to qualities of development design and construction, timing of development and public infrastructure availability/connections, community facility or other improvements construction and/or financial contributions for on-site or off-site locations and may, at the option of the Township, also list obligations assumed by the Township.

**DRAINAGE FACILITY** — any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision or contiguous land areas.

**DRIVEWAY** — a minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

**DWELLING UNIT** — any room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one person, one family, or two or more persons functioning as one household.

**DWELLING, ATTACHED** — a structure designed for and occupied by two or more dwelling units, each having at least a portion of one wall in common with an adjacent unit, i.e., townhouse or apartment units.

**DWELLING, DETACHED** — a freestanding structure consisting entirely of a single dwelling unit from ground to roof with independent access and open space on all sides.

**DWELLING, MULTIPLE-FAMILY** — a structure containing two or more dwelling units not having independent outside access and not having a common wall(s) forming a complete separation between individual dwelling units.

**EASEMENT** — a limited right-of-use granted in private land for public or quasi-public purposes.

**ENGINEER** — a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Montour Township Planning Commission and/or Montour Township.

## SUBDIVISION AND LAND DEVELOPMENT

**FLOODPLAIN** — those areas identified as being subject to the one-hundred-year flood in the Flood Insurance Study prepared for the Township by the Federal Insurance Administration dated February 1, 1979, and adopted by amendment in the Montour Township Zoning Ordinance.<sup>1</sup> Areas within the floodplain, i.e., floodway, flood-fringe and general floodplain, are established and defined in §603 of the Zoning Chapter.

### FUTURE RIGHT-OF-WAY:

- A. The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads;
- B. A right-of-way established to provide future access to or through undeveloped land.

**GOVERNING BODY** — the Montour Township Board of Supervisors.

**HALF or PARTIAL STREET** — a street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

**IMPROVEMENTS** — those physical additions, installations and changes required to render land suitable for the use proposed.

**INTERIOR WALK** — a right-of-way easement for pedestrian travel across or within a block.

**INTERMITTENT RECREATIONAL USE** — use of a lot or parcel for other than full-time occupancy, for seasonal, leisure, and other recreational activities.

### LAND DEVELOPMENT:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development which involves the following shall be excluded:

---

<sup>1</sup> Editor's Note: See Ch. 27, Zoning.

- (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**LANDOWNER** — the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land shall be deemed to be a landowner for the purposes of this chapter.

**LEVELING AREA** — a safe stopping area at the intersection of streets or the intersection of a driveway and a street which is designed in accordance with the standards of this chapter.

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

**LOT AREA** — the area contained within the property lines of the individual parcels of land as shown on a plan, excluding any area within a street right-of-way but including the area of any easement or future right-of-way.

**LOT, CORNER** — a lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the points beginning with the lot or at the points of intersection of the side lot lines with the street right-of-way lines intersect at an interior angle of less than 135°.

**LOT, DOUBLE FRONTAGE** — a lot with front and rear street frontage.

**LOT LINE** — any boundary line of a lot.

**REAR LOT LINE** — any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line and, in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, the property owner shall

## SUBDIVISION AND LAND DEVELOPMENT

have the option of choosing which is the rear lot line, subject to the approval of the Zoning Officer.

**SIDE LOT LINE** — any lot line that is not a street line or a rear lot line.

**LOT OF RECORD** — a lot which has been recorded in the office of the Recorder of Deeds of Columbia County, Pennsylvania.

**LOT, REVERSE-FRONTAGE** — a lot extending between and having frontage on an arterial or collector street and a local street, with vehicular access solely from the local street.

**LOT WIDTH** — the distance between the side lot lines measured at the building setback line.

**MEDIATION** — a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MOBILE HOME** — a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

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

**MULTIPLE-FAMILY STRUCTURE** — a building providing separate dwelling units for two or more families.

**NEW CONSTRUCTION** — the construction, reconstruction, extension, expansion, alteration, location or relocation of a building (including mobile homes), structure, and/or improvements (such as streets, utilities, etc.).

**NONCONFORMING LOT** — a lot, the area or dimension of which was lawful prior to the adoption or amendment of the Montour Township Zoning Ordinance [Chapter 27], but which fails to conform to the requirements of the newly adopted or amended ordinance by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE** — a structure or part of a structure manifestly not designed to comply with the applicable standards and provisions in the Zoning Ordinance [Chapter 27], or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of the Zoning Ordinance [Chapter 27] or amendment or prior to the application of the Zoning Ordinance [Chapter 27].

**OFFICIAL MAP** — a map adopted by ordinance by the Montour Township Supervisors pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

**OPEN SPACE, COMMON** — the horizontal area of land or surface water within or related to a development, predominantly undeveloped, not owned individually or dedicated to the public, which is designed or intended for the common use or enjoyment of the residents, owners or tenants of the development and may include such complimentary structures or improvements as are necessary and appropriate.

**COVERED OPEN SPACE** — exterior space open on its sides to weather but not open above to the sky and weather including roofed porches, carports and covered balconies. For purposes of this chapter, covered open space shall not be counted toward fulfillment of required open space.

**PARKING SPACE** — an off-street space available and designed, developed and intended for the parking of one motor vehicle and having direct usable access to a street or road, all in accordance with the requirements of this chapter and the Township Zoning Ordinance [Chapter 27].

**PLAN, FINAL** — a complete and exact subdivision or development plan, prepared for official recording, to define property rights and proposed streets and other improvements.

**PLAN, PRELIMINARY** — a tentative subdivision or development plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

**PLAN, RECORD** — an exact copy of the approved final plan on map material acceptable to the Columbia County Recorder of Deeds.

**PLAN, SKETCH** — an informal plan, not necessarily to scale, indicating the salient existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development.

**PLAT** — the map or plan of a subdivision or land development, whether preliminary or final.

**PRINCIPAL BUILDING** — a structure(s) which houses the main use or activity on a given lot or parcel.

**PUBLIC GROUNDS:**

## SUBDIVISION AND LAND DEVELOPMENT

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

**RECREATIONAL VEHICLE** — a vehicular type of portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK** — any site upon which three or more recreational vehicles are, or are intended to be, located.

**RENEWABLE ENERGY SOURCE** — any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including but not limited to biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**RESIDUAL PROPERTY** — the lot or parcel created through subdivision which is the remaining portion of the parent tract. The residual property shall be considered as an integral part of the proposed subdivision and shall be required to meet the standards of this chapter and the Township Zoning Ordinance [Chapter 27], where determined appropriate or necessary by the Township.

**RESUBDIVISION** — any revision in boundary lines of lots or public rights-of-way or transfer of land within an approved subdivision not in strict accordance with the approved plan.

**RIGHT-OF-WAY** — land set aside for use as a street, alley or other means of travel.

**SCREEN PLANTING or BUFFER PLANTING** — a barrier to visibility, glare, noise and dust between adjacent properties or between dwellings or commercial establishments or industrial facilities and public streets made of plant materials as specified herein.

**SECRETARY** — the Secretary of the Montour Township Planning Commission.

**SEWAGE FACILITY** — any sewer, sewage system, sewage treatment works or parts thereof designed, intended or constructed for the collection, treatment or disposal of liquid waste (including industrial waste).

**SHOULDER** — that portion of the roadway which is adjacent to the cartway and is intended for lateral support of the wearing surface, emergency stopping, and a minimal amount of recovery area beyond the cartway wearing surface edge.

**SIGHT DISTANCE** — distance provided for in the Township's Road Occupancy Permit Ordinance (Reference Ch. 21 Part 1).

**SPECIAL PERMIT** — a special approval issued by the Department of Community Affairs and/or Montour Township in accordance with Section 38.6 of the DCA Floodplain Management Regulations for specific types of development and obstructions which present a special hazard to the health and safety of the public or occupants, or may result in significant pollution, increased flood levels or flows, or debris endangering life or property, when such development or obstructions are located in all or a designated portion of a floodplain.

**STREET** — a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Streets are further classified as follows:

**PRINCIPAL ARTERIAL** — these are normally limited-access highways with interstate designation which serve corridor movement having trip length and travel density characteristics indicative of substantial State-wide or interstate travel. They serve urban areas over 50,000 in population and most of those with over 25,000 in population. They provide an integrated network except where geographic or other unusual conditions dictate stub connections.

**MINOR ARTERIAL** — these are major highways or roads that serve the remaining urban areas (over 5,000 in population) and other major traffic generators having an equivalent population. They form an integrated network with the principal arterials to provide intrastate and intercounty service. These generally include Federal Aid Primary routes, State designated routes and US traffic routes not classified principal arterials.

**MAJOR COLLECTOR** — these are roads which serve county seats and other established communities not adequately served by the arterial system. They serve consolidated schools, industrial, shipping and agricultural centers, parks and other public facilities, etc., and provide service to nearly all developed areas. State designated routes may be included. Desirable operating speeds range from 35 to 55 mph.

**MINOR COLLECTOR** — these are roads owned by the State or Township which provide connections to local roads and minor arterials. They serve small boroughs, villages, developed areas, agricultural areas, and local public facilities or convenience commercial businesses. Traffic volumes and trip lengths vary greatly depending upon size and distance between generators and major collectors or arterials. Desirable operating speeds range from 30 to 50 mph.

**LOCAL ROAD** — these include all remaining routes which primarily provide access to adjacent land. They provide the lowest level of mobility on which through



## SUBDIVISION AND LAND DEVELOPMENT

traffic movement is deliberately discouraged and do not include State designated routes. Traffic volumes are normally very low and desirable operating speeds range from 25 to 40 mph.

**MARGINAL-ACCESS STREET** — local streets, parallel and adjacent to major collectors and minor arterials, for the purpose of providing safe access to abutting properties and control of intersections with major streets.

**ALLEY or SERVICE DRIVE** — a minor right-of-way which provides a secondary access primarily for service to the back or sides of properties.

**CUL-DE-SAC** — a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**STREET LINE** — the dividing line between the street and the lot. The street line shall be the same as the legal right-of-way, provided that, where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

**STRUCTURE** — any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVIDER** — 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.

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

**MAJOR SUBDIVISION** — any subdivision not classified as a minor subdivision, as defined hereinbelow.

**MINOR SUBDIVISION** — the subdivision of land abutting an existing public street cumulatively involving not more than four lots, parcels or other divisions of land from the same parent tract subsequent to October 13, 1971 (the effective date of the Township's Subdivision and Land Development Ordinance), including the residual of the parent tract as a lot and regardless of size, which do not require a new street, sanitary sewer, storm sewer, water main or distribution lines, or any other municipal facility or public improvement.

**SUBSTANTIALLY COMPLETED** — where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to this chapter) of those improvements required as a condition

for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SUPERVISORS or BOARD OF SUPERVISORS** — the Montour Township Board of Supervisors.

**TOWNSHIP** — Montour Township, Columbia County, Pennsylvania, including, for the purposes of this chapter, its officials, agents or designees.

**UNDEVELOPED LAND** — land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.

**USE** — any activity carried on or intended to be carried on in a building or other structure or on a tract of land.

**WATERCOURSE** — any river, stream, run, rill, drainageway, lake, pond or other body of water appearing as a permanent or intermittent waterway on United States Geological Survey Topographical Maps.

**WATER FACILITY** — any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

**WATER SURVEY** — an inventory of the source, quantity, yield and use of groundwater and surface water resources within Montour Township and adjacent related aquifers.

**YARD** — an open space unobstructed from the ground up, except as may be permitted herein or in the Township Zoning Ordinance [Chapter 27], on the same lot with a principal use structure, extended along a lot line or street line and inward to the principal use structure. The size of a required yard shall be measured as the shortest distance between the principal use structure and a lot line or street line.

**FRONT YARD** — an open space between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards. In the case where a property does not abut a public road the property owners shall have the option of choosing which is the front yard, subject to the approval of the Zoning Officer.

**REAR YARD** — an open space between a principal use, structure and a rear lot line and extending the entire length of the rear lot line.

**SIDE YARD** — an open space between a principal use structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard shall be considered a side yard.

## SUBDIVISION AND LAND DEVELOPMENT

(Ord. 10/13/1971, §5210; as amended by Ord. 7/6/1979B; by Ord. 12/4/1981, §1; by Ord. 12/15/1987; by Ord. 12/12/1991A, §4; by Ord. 11/12/1992, §1; by Ord. 7/10/1997, §§1, 2; and by Ord. 10/13/2005, §1)

**Part 3**  
**Procedures**

**§301. General.**

1. The procedure for review of subdivision or land development plans normally includes three stages – sketch, preliminary and final. These stages are necessary to provide the Planning Commission and Board of Supervisors adequate opportunity to review each proposal and insure that their recommendations may be included in the final plan. Review is required according to the following table.

<b>Plan Stage</b>	<b>Minor Subdivision</b>	<b>Major Subdivision</b>	<b>Land Development</b>
Sketch	Recommended	Recommended	Strongly recommended
Preliminary	Recommended	Required	Required
Final	Required	Required	Required

2. For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Planning Commission next following the date the application and plans for each plan stage are received in the Municipal Building, provided that, should said regular meeting occur more than 30 days following the submission of the application, the official filing date shall be the 30th day following the day the application has been submitted.

(Ord. 10/13/1971, §300; as amended by Ord. 12/15/1987; by Ord. 12/12/1991A, §5; and by Ord. 11/12/1992, §2)

**§302. Sketch Plan.**

1. Purpose.
  - A. The purpose of the sketch plan stage is to enable the developer to consult early and informally with the Planning Commission before preparation of the preliminary plan and formal application for approval.
  - B. During the sketch plan review, the developer can make use of the services of both the County and Township Planning Commissions to help him analyze the site and plan for its coordination with the community. Also, both Planning Commissions have an early opportunity to give informal guidance at a stage when potential conflicts can be more easily resolved.
2. Submission. The developer shall submit 10 copies of the sketch plan to the Township Secretary at least 15 days prior to the meeting of the Planning Commission

## SUBDIVISION AND LAND DEVELOPMENT

at which the plan is to be considered. The Township Secretary shall check the submission for completeness based on §701. If incomplete, he shall return the submission to the developer, indicating deficiencies or, if complete, accept the submission. He will mark on the plan "sketch plan" and the date received and distribute one copy of the plan to the Board of Supervisors, two copies to the Secretary of the Township Planning Commission, one copy to each of the other four members of the Township Planning Commission, one copy to the Township Solicitor, one copy to the Township Engineer, and one copy to the County Planning Commission. At its first regular meeting following receipt of the complete submission and following the fifteen-day waiting period, the Planning Commission shall receive and review the developer's submission, discuss the plan with the developer, evaluate the plan and, together with appropriate comments, direct whether the developer may proceed to the preliminary plan stage. Where the Township Secretary determines that an adjacent municipality or a governmental agency may be affected by a proposed subdivision or land development he may require additional copies of the plan and transmit it to the affected municipality or agency together with instructions on contact person and deadline for review and comment.

(Ord. 10/13/1971, §310; as amended by Ord. 12/15/1987; and by Ord. 12/12/1991A, §6)

### **§303. Preliminary Plan.**

1. Purpose. The purpose of the preliminary plan is to require formal conditional approval of plans in order to minimize changes and revisions after final plans are submitted.
2. Submission. The developer shall submit 10 copies of the preliminary plan and data, 10 copies of the application and the required fee and deposit to the Township Secretary. The Township Secretary shall check the submission for completeness based on §702. If incomplete, he shall return the submission to the developer indicating deficiencies or, if complete, accept the submission. He will mark on the plan "preliminary plan" and the date received and distribute one copy of the plan to the Board of Supervisors, two copies to the Secretary of the Township Planning Commission, one copy to each of the other four members of the Township Planning Commission, one copy to the Township Solicitor, one copy to the Township Engineer, and one copy to the County Planning Commission. Where the Township Secretary determines that an adjacent municipality or a governmental agency may be affected by a proposed subdivision or land development, he may require additional copies of the plan and transmit it to the affected municipality or agency together with instructions on contact person and deadline for review and comment.
3. Fees.
  - A. A filing fee and a deposit shall accompany the preliminary plan. No application shall be accepted by the Township Secretary or acted upon unless payment is made to the Township according to the uniform fee resolution.

- B. The deposit is established to reimburse the Township for all reasonable engineering, legal or planning expenses incurred by the Township in connection with the subdivision or development. As the deposit is expended, the developer shall make further deposits upon notice by the Township Treasurer so as to maintain the deposit at the original amount.
  - C. Before approval of the final plan, the Township Treasurer shall verify that deposits made by the developer are adequate to reimburse the Township for all reasonable engineering, legal or planning expenses.
  - D. Upon approval of the final plan, the Township Treasurer shall refund to the applicant any deposit remaining.
4. Procedures.
- A. The County Planning Commission and the Township Engineer review the preliminary plan and submit reports to the Township Planning Commission and the Board of Supervisors within 30 days of submission by the Township Secretary.
  - B. At its first regular meeting following acceptance of the complete preliminary plan submission by the Township Secretary, the Planning Commission shall review the developer's submission.
  - C. The Planning Commission shall consider the reports of the County Planning Commission and the Township Engineer and discuss the preliminary plan with the developer.
  - D. Following the review of the preliminary plan with the developer, the Planning Commission shall evaluate the plan in regard to the general purposes and specific provisions of this chapter and act thereon as submitted or modified within 70 days after the official filing date; and, if approved, the Planning Commission shall express its approval and state the conditions of such approval, if any, or, if disapproved, shall express its disapproval and its reasons therefor. The action of the Planning Commission shall be noted on five copies of the preliminary plan, and the Commission's recommended conditions shall be attached thereto. The Planning Commission shall immediately forward four copies to the Supervisors for action and retain a file copy.
  - E. At a regular meeting following the Planning Commission's meeting at which action is taken on a plan, but not later than 90 days after the official filing date, the Supervisors shall review the developer's submission, together with the reports of the Township Planning Commission, the Engineer and the County Planning Commission; express its approval, its conditional approval, stating the conditions of such approval, or its disapproval, stating the reasons therefore; and within 15 days following the decision, inform the developer in writing. The action of the Supervisors shall be noted on four copies

## SUBDIVISION AND LAND DEVELOPMENT

of the plan, together with its conditions, if any, or its reasons for disapproval. One copy of the notated plan shall be forwarded to the developer, one copy to the County Planning Commission, one copy retained for file, and the remaining copy returned to the Township Planning Commission.

- F. Approval of a preliminary plan of lots shall not constitute approval of the final plan of lots. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plan of lots as a guide to the preparation of the final plan of lots which will be submitted for approval of the Planning Commission and the Supervisors and for recording.
- G. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein may be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of the presentation of communication of the decision; in which case, failure to meet the extended time or change in manner of the presentation of communication shall have like effect.
- H. Preliminary plan approval shall expire two years after being granted unless an extension is requested by the developer and approved by the Board of Supervisors. A request for extension must be submitted to the Planning Commission at least 30 days prior to the expiration of any approval. Extensions may be granted for no more than three additional one-year periods.

(Ord. 10/13/1971, §320; as amended by Ord. 12/15/1987; by Ord. 12/12/1991A, §§6-8; by Ord. 3/14/1996, §1; and by Ord. 10/13/2005, §2)

### **§304. Final Plan.**

- 1. Purpose. The purpose of the final plan is to obtain formal approval by the Board of Supervisors for completed plans. The final plan shall conform to the preliminary plan as approved; but if desired by the developer, it may constitute only that portion of the approved preliminary plan of lots which he proposes to develop at the time.
- 2. Submission. Within the time limitations set forth in the Act, the developer shall submit 10 copies of the final plan, 10 copies of required exhibits and agreements and the fee or additional deposit, if required, to the Township Secretary. The Township Secretary shall check the submission for completeness based on §703 for major subdivisions and developments or §704 for minor subdivisions. If incomplete, he shall return the submission to the developer indicating deficiencies or, if complete, accept the submission. He will mark on the plan "final plan" and the date received and distribute one copy of the plan to the Board of Supervisors, two copies to the Secretary of the Township Planning Commission, one copy to each of the other four members of the Township Planning Commission, one copy to the Township Solicitor, one copy to the Township Engineer, and one copy to the Coun-

ty Planning Commission. Where the Township Secretary determines that an adjacent municipality or a governmental agency may be affected by a proposed subdivision or land development, he may require additional copies of the plan and transmit it to the affected municipality or agency together with instructions on contact person and deadline for review and comment.

- A. Within 30 days after receipt of a copy of the final plan from the Township Secretary, the Township Engineer shall review the engineering considerations and guarantees of the submission and prepare a report of adequacy for the Planning Commission and Board of Supervisors.
- B. Within 30 days after the receipt of the final plan from the Township Secretary, the County Planning Commission shall review the final plan and submit a report to the Township Planning Commission and the Board of Supervisors.
- C. The Planning Commission shall, at its regular meeting following acceptance of the final plan by the Township Secretary, review the final plan.
- D. The Planning Commission shall consider the reports of the County Planning Commission and the Township Engineer.
- E. The Planning Commission shall act on the final plan within 70 days after the official filing date; and, if approved, the Planning Commission shall express its approval and state the conditions of such approval, if any, or, if disapproved, shall express its disapproval and its reasons therefor. The action of the Planning Commission shall be noted on five copies of the final plan, and the Commission's recommended conditions shall be attached thereto. The Planning Commission shall immediately forward four copies to the Supervisors for action and retain a file copy.
- F. At a regular meeting following the Planning Commission's meeting at which action is taken on a plan, and within 90 days after the official filing date, the Supervisors shall review the developer's submission, together with the reports of the Township Planning Commission, the Engineer and the County Planning Commission; express its approval or its disapproval, stating the reasons therefore; and within 15 days following the decision, inform the developer in writing. The action of the Supervisors shall be noted on four copies of the plan, together with its reasons for disapproval. One copy of the notated plan shall be forwarded to the developer, one copy to the County Planning Commission, one copy retained for file, and the remaining copy returned to the Township Planning Commission.
- G. Every final plan shall carry the signature of the:
  - (1) Owner of the land.
  - (2) Notary public.



## SUBDIVISION AND LAND DEVELOPMENT

- (3) Registered engineer and/or surveyor, plus his seal.
  - (4) Three or more members of the Township Planning Commission.
  - (5) Two or more members of the Board of Supervisors.
3. Recording.
  - A. Upon the approval of a final plan, the developer shall, within 90 days of such final approval, record such plan and any conditions of approval in the office of the Recorder of Deeds of Columbia County. The Recorder of Deeds shall not accept any plan for recording unless such plan notes the official approval of the Board of Supervisors and a signature of the County Planning Commission designee indicating a review has been conducted. Within 10 days following such recording, the developer shall furnish the Township with a receipt from the Recorder of Deeds evidencing such recording.
  - B. The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements installed on the land included within the subject plan.
4. The Township Planning Commission will assign house numbers based on the approval final plan and forward these assignments to the developer and the Board of Supervisors.

(Ord. 10/13/1971, §330; as amended by Ord. 12/15/1987; by Ord. 12/12/1991A, §§6 and 9; and by Ord. 10/13/2005, §3)

### **§305. Special Procedures.**

1. Minor subdivisions. Minor subdivision plans are not required to be reviewed until the final plan stage, although developers are encouraged to take advantage of earlier review stages to avoid modifications at the final plan stage. Fees shall be submitted in accordance with the Township's Fee Schedule. All submission, review, approval and recording procedures applicable to normal final plans shall be met as required by §304. Plans and data required by §704 herein shall be submitted. The duty to go forward with the evidence to establish that a proposed subdivision qualifies as a minor subdivision shall rest with the applicant who shall therefore be required to provide dates and deed book references for all prior subdivisions from the parent tract subsequent to October 31, 1971.
2. Auction sales. When a developer proposes to offer his land for sale at auction in two or more parts, the following procedures shall be followed:

- A. Preliminary plans, showing the manner in which the owner desires to divide his land for sale at auction, shall be submitted for approval or review as required under §§303 and 703 of this Part prior to advertisement of the sale.
  - B. After preliminary approval, the land may be advertised and offered for sale as shown on the approved preliminary plan.
  - C. All agreements of sale shall be subject to approval of the final plans; and final settlement shall not be made until after such final approval and recording of the plan has been completed in accordance with the provisions of §§304 and 704 of this chapter.
3. Resubdivision. For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

(Ord. 10/13/1971, §340; as amended by Ord. 12/15/1987; and by Ord. 7/10/1997, §3)



## **Part 4**

### **Required Improvements**

#### **§401. Requirements.**

The following improvements contained in this Part shall be constructed at the expense of the subdivider or developer as stipulated in the development agreement and in a manner approved by the Planning Commission and Board of Supervisors, consistent with sound construction and local practice.

##### **A. Specifications.**

- (1) Where specific standards and specifications are required by this chapter, they shall apply.
- (2) In all respects in which standards for required improvements are not set forth herein or specified by the Township hereunder, the applicable standard requirements of the Commonwealth of Pennsylvania shall govern.
- (3) Where there are no such specifications, improvements shall be constructed in accordance with specifications furnished by the Engineer.

(Ord. 10/13/1971, §400; as amended by Ord. 12/12/1991A, §10)

#### **§402. Monuments and Markers.**

1. Monuments shall be of concrete or stone, with a minimum size of six inches by six inches by 30 inches, and marked on top with a copper or brass dowel. Markers shall consist of iron pipe or of iron or steel at least 15 inches long and not less than three-fourths inch in diameter.
2. Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.
3. Monuments shall be set:
  - A. At the intersection of all lines forming angles in the boundary of the subdivision or land development.
  - B. At the intersection of all street lines.
4. Markers shall be set:

## SUBDIVISION AND LAND DEVELOPMENT

- A. At the beginning and ending of all curves along street property lines.
- B. At all points where lot lines intersect curves, front or rear.
- C. At all angles in the property lines of lots.
- D. At all other lot corners.

(Ord. 10/13/1971, §410)

### **§403. Streets and Sidewalks.**

- 1. Streets.
  - A. Streets shall be graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross-sections submitted by the subdivider or developer and approved by the Supervisors.
    - (1) Pavement base shall be constructed according to the specifications of the Pennsylvania Department of Transportation.
    - (2) Pavement wearing surface shall be constructed according to the specifications of the Pennsylvania Department of Transportation.
    - (3) In areas where curb is not used, the gutters or ditches must be stabilized to avoid erosion.
  - B. Where unusual or peculiar conditions prevail with respect to the prospective traffic and/or safety of pedestrians, the Board of Supervisors may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the Board of Supervisors.
  - C. General street design shall be in accordance with §502 herein, and grading shall be in accordance with §505(1) herein.
  - D. The finished elevation of proposed streets except for marginal access streets, shall not be below the one-hundred-year flood elevation.
- 2. Street signs. Street name signs shall be placed at all intersections. Their design and the names proposed shall be approved by the Commission and the Board of Supervisors.
- 3. Curbs.

- A. Curbs shall be provided along both sides of all streets unless, in the opinion of the Board of Supervisors, with the advice of the Engineer, they are unnecessary.
  - B. Along the existing street on which a subdivision or land development abuts, curbs shall be constructed; and the existing paved cartway shall be widened to the curb. The location of curbing along a boundary street shall be determined by the width of the existing or future right-of-way of the street in accordance with §502 herein or as established by the Board of Supervisors.
  - C. Curb construction shall be in accordance with current Township or State specifications and §502(8) herein.
4. Sidewalks. A system of sidewalks shall be provided within all housing developments and along both sides of all streets; except when, in the opinion of the Board of Supervisors, with the advice of the Planning Commission, they are unnecessary for public safety and convenience. Construction shall be in accordance with current Township specifications and §502(8) herein.

(Ord. 10/13/1971, §420; as amended by Ord. 12/12/1991A, §11)

#### **§404. Off-Street Parking.**

Off-street parking and loading spaces shall be provided as required by the Township Zoning Ordinance. The design of off-street parking spaces and lots shall be in accordance with §503(1).

(Ord. 10/13/1971, §430)

#### **§405. Utilities.**

1. Storm drainage. Complete drainage systems for the entire subdivision or land development area must be provided. All existing drainage features which are to be incorporated in the design shall be so identified. If the final plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage systems for each section presented. All plans shall meet the design requirements of §505 herein.
  - A. Land developments of all types shall be so designed that the post-development rate of stormwater runoff is not greater than the predevelopment rate or otherwise manages the quantity, velocity and direction of resulting stormwater runoff in a manner which adequately protects health and property from possible injury, as required by the Pennsylvania Stormwater Management Act of 1978.
2. Water facilities.

## SUBDIVISION AND LAND DEVELOPMENT

- A. In all new subdivisions and land developments, all lots or parcels must be provided with an adequate, reliable and safe means of water supply by one of the following methods:
- (1) Where possible, lots or parcels in all new subdivisions shall be connected to a public water supply system. Approval of design and proposed construction shall be obtained from the water utility engineer.
  - (2) Where the Planning Commission and Board of Supervisors, after consideration of engineering studies, are of the opinion that connection to the public water system is impractical, they shall, with the consent of the Pennsylvania Department of Environmental Resources, grant permission, either temporarily or permanently, to make use of other water supply systems approved by the Pennsylvania Department of Environmental Resources.
  - (3) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Commission that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
  - (4) Groundwater studies by a qualified hydrogeologist, well driller's written opinion, sustained yield testing of existing nearby wells, or drilling of a test well may be required by the Commission where groundwater problems are known to exist near proposed subdivisions or land developments. A well driller's opinion will only be accepted when the well driller has an established reputation of competence; sufficient wells have been drilled in nearby proximity that groundwater well patterns (e.g., depth, yield, recovery rate, and quality) and test results can be observed; drilling logs or detailed field notes are available for those wells.
  - (5) All water systems located in any floodplain area, whether public or private, shall be floodproofed up to one foot above the one-hundred-year flood elevation.
- B. Where Township or County or Water Authority/Utility plans indicate that a water facility will serve the subdivision within a reasonable time, the installation of mains and house connections, in addition to the installation of temporary water supply systems provided for in Subsection 2A(2) above, may be required.

3. Sewer facilities.

- A. Within an area of the Township having a public sewage facility which is, in the judgment of the Board of Supervisors, based on a sewerage feasibility study, reasonably accessible to the subdivision and available for connection thereto, the subdivision shall be provided with a complete sanitary sewer system to be connected to the public sanitary sewage facility.
- B. In any subdivision where one or more lots, including the residual parcel, cannot be connected to a public sewage facility, soils testing shall be performed at the developer's expense by the Township's Sewage Enforcement Officer in accordance with the Pennsylvania Department of Environmental Resources regulations. Test locations for all lots, including the residual parcel, shall be shown and numbered on the plans. Copies of the approved sewage disposal permit, or Planning Module Component I for 10 lots or less, and documentation of Pennsylvania Department of Environmental Resources approval of the sewage facilities plan revision or supplement shall be included with the application.
- C. All sanitary sewer systems proposed shall conform to existing local ordinances or, in the absence thereof, the requirements of the Pennsylvania Sewage Facilities Act (No. 537) of December 223, 1965.
- D. Where Township or County plans indicate that construction or extension of sanitary sewage lines may serve the subdivision area within a reasonable time, the Board of Supervisors shall require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems. Responsibility for the design and supervision of installation of all capped sewers, laterals and house connections shall be that of the Engineer. Wherever individual on-lot sanitary sewage disposal systems are proposed, the subdivider or developer shall either install such facilities or require by deed restriction or otherwise, as a condition of the sale of each lot or parcel within such subdivision, that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.
- E. All sanitary sewer systems located in any floodplain area, whether public or private, shall be floodproofed up to one foot above the one-hundred-year flood elevation.
- F. On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

4. Fire hydrants.



## SUBDIVISION AND LAND DEVELOPMENT

- A. Wherever a public or community water supply system is provided, fire hydrants shall be installed within 500 feet of all existing and proposed properties, measured along accessible streets (as specified by the Bloomsburg Water Company).
- B. All hydrants shall be placed with the steamer nozzle facing toward the street or parking lot and shall be located so that they are accessible to within five feet by fire apparatus.
- C. Hydrants shall provide two-and-one-half-inch hose outlets having the thread specifications required by the Bloomsburg Water Company and one five-and-one-half-inch steamer nozzle having National Standard threads.
- D. All hydrant installations will provide a minimum of a six-inch lateral connection to a minimum of an eight-inch water main. Each hydrant lateral connection will include a hydrant valve for the purpose of maintaining and servicing the hydrant.
- E. System additions and all system upgrading shall be designed by the Bloomsburg Water Company to provide for future anticipated fire flows of not less than 500 GPM in single-family residential areas and 1,000 GPM in commercial, industrial and multifamily areas at 20 psi residual pressure. Neither Montour Township nor the Bloomsburg Water Company guarantee that the present system can provide such flows, but the Water Company will design and upgrade to provide for these anticipated fire flows.
- F. All projects as of January 1, 1987, will be designed to meet maximum domestic consumption at all times plus the above required fire flow for a minimum duration of two hours.

(Ord. 10/13/1971, §440); as amended by Ord. 7/6/1079B; and by Ord. 12/12/1991A, §12)

### **§406. Recommended Improvements.**

- 1. Street trees. Where street tree plantings are required by the Board of Supervisors, they shall meet the standards contained in §506(2) herein.
- 2. Streetlights. When streetlights are required by the Board of Supervisors, the developer shall make the necessary arrangements with the municipality and the public service company involved.
- 3. Underground utilities. Underground cables for communication and electrical utilities should be installed when and where practical.

(Ord. 10/13/1971, §450; as amended by Ord. 7/6/1979B)

**§407. Floodproofing of Other Utilities and Facilities.**

All other public and private utilities and facilities shall be elevated or floodproofed up to one foot above the one-hundred-year flood elevation.

(Added by Ord. 7/6/1979B)



**Part 5**  
**Design Standards**

**§501. Application.**

All subdivisions and land developments approved by the Planning Commission and Board of Supervisors must comply with the following standards. The standards outlined herein shall be considered minimum requirements for the promotion of the public health, safety, morals and general welfare.

1. General standards.
  - A. In the design and development of subdivisions and land developments, every possible means to preserve the natural terrain, natural drainage, existing topsoil, trees, historic sites and appropriate community landmarks and assets shall be taken.
  - B. Land shall be subdivided or developed only for uses in conformance with the Comprehensive Plan, Zoning Ordinance and other ordinances and regulations in effect in the Township.
  - C. Land subject to hazardous conditions such as open quarries, floods, precipices and a water supply which does not meet U.S. Public Health Service standards shall not be subdivided or developed until the hazards have been eliminated or unless adequate safeguards against such hazards are provided by the final plans.
  - D. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas are not created.
  - E. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
  - F. Subdivisions or land developments shall be designed to avoid the necessity for excessive cut or fill.

(Ord. 10/13/1971, §500)

**§502. Streets.**

1. General requirements.
  - A. Proposed streets shall conform in all respects to the Comprehensive Plan as officially prepared and adopted by the Township.

## SUBDIVISION AND LAND DEVELOPMENT

- B. Proposed streets shall further conform to such County or State street and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- D. Residential streets shall be laid out so as to discourage thru traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and proper access to adjoining undeveloped tracts suitable for future development.
- E. If lots resulting from an earlier subdivision are large enough to permit re-subdivision or a portion of the tract is not subdivided, openings for future rights-of-way to permit further development shall be provided as necessary.
- F. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sacs.
- G. Stub streets greater than one lot depth in length and joining acreage available for future development shall be provided with a temporary turn-around to the standards required for cul-de-sacs or paved to the full width of the right-of-way for the last 25 feet of their length.
- H. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names should generally not be repeated within the Township and all street names shall be subject to the approval of the Board of Supervisors.
- I. Private streets serving more than five single-family dwellings or more than five dwelling units in a multiple-dwelling project shall be prohibited. Private streets serving one or two lots for single-family dwellings shall include a cartway built with a fifty-foot-wide right-of-way, a maximum grade of 15% and sufficient base, drainage and width to provide year round mud-free passage. Private streets serving three or four lots for single-family dwellings or not more than four dwelling units in an apartment building or townhouse structure shall be constructed with a cartway of six-inch sub-base within a fifty-foot-wide right-of-way, with a maximum grade of 12%. Private streets serving five lots for single-family dwellings or five dwelling units in a multiple-dwelling project shall meet the design and construction standards of this chapter for local streets. Any private street proposed to serve more than one dwelling shall meet the following requirements:
  - (1) A right-of-way use and maintenance agreement executed by all interested parties providing for the right to use and maintain the proposed private street shall be submitted and included as a required part of the subdivision plan covenants.

- (2) The proposal shall be referred to the Township Roadmaster and the Township Engineer for a site-specific determination that the lesser level of improvements normally intended for private roads will adequately address drainage and safe access for the number of lots proposed.
  - (3) The request shall be evaluated by the Planning Commission with regard to whether adjacent land is suitable and likely to develop and whether there would then be a need or opportunity for coordinated access from such adjacent developments which might compel development of a road dedicated to the Township.
- J. The finished elevation of proposed streets, except for marginal access streets, shall not be below the one-hundred-year flood elevation.
- K. Streets shall be designed and constructed in accordance with Pennsylvania Department of Transportation Publication 70, "Guidelines for Design of Roads and Local Streets."
- L. Any underground utility situate under a street or shoulder thereof shall be installed utilizing a four-inch in depth stone bedding as approved by the Township Engineer and shall be completely backfilled with eight-inch mechanically compacted layers of Type 2A aggregate.
- M. Design of all public use facilities, such as sidewalks, streets, recreational facilities, etc., shall provide for handicapped access and use in accordance with the Americans with Disabilities Act of 1990, as amended.
- N. The Township Roadmaster, in consultation with the Township Engineer and/or the Township Surveyor, as deemed necessary and appropriate by the Board of Supervisors, shall visit proposed and constructed private streets and make a determination whether any such street poses a safety hazard. If a safety hazard is determined to exist or would result from the proposed private street, the Township Roadmaster shall so advise the property owner and parties involved and shall issue instructions for corrective actions or preventive measures to abate or avoid such a hazard, along with a reasonable deadline for completion of the required actions. The Township Roadmaster shall revisit the site to confirm that required actions have been completed. If such remedial actions have not been completed, the matter shall be reported to the Board of Supervisors for appropriate enforcement.
- O. Safety hazards or potential safety hazards involving private streets or driveways shall be deemed to occur if:
  - (1) Drainage from the private street will create an ice hazard on a public street.

## SUBDIVISION AND LAND DEVELOPMENT

- (2) Drainage from the private street will create a sediment deposit hazard on a public street.
  - (3) Drainage from the private street will create drainage onto adjacent property in such volume and manner that property damage or safety problems are likely.
  - (4) Construction of the private street cartway or driveway is of inadequate width or inadequate supporting materials to enable normal ingress and egress of light-duty personal vehicles and typical delivery vehicles.
  - (5) Sight distance is obstructed so that vehicles approaching the private street or driveway are unable to see vehicles preparing to exit onto a public street.
  - (6) Steep grades on the private street or driveway would prevent a complete stop before ingress and egress during slippery conditions.
  - (7) Sharp angles at the public street intersection with the private street or driveway would impair or prevent normal ingress and egress, causing excessive maneuvering on the public street.
  - (8) Construction of the private street or driveway was done without a drainage pipe or other means to enable proper flow of runoff along the Township road or State highway.
2. Street standards. Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, a future right-of-way width shall be indicated on the plan to conform to the standards herein. Provision for additional street width may be required by the Board of Supervisors in specific cases for on-street parking in commercial, industrial or high-density residential areas; additional widening where minimum widths will not meet the requirements of a specific street; and public safety and convenience.<sup>2</sup>
3. Street alignment.
  - A. Horizontal curves. To ensure adequate sight distance when street cartway lines deflect more than five degrees, connection shall be made by horizontal curves. The minimum centerline radii for local streets shall be 150 feet; and of all other streets, 300 feet. A tangent shall be required between curves and between a curve and street intersection.
  - B. Vertical curves. Vertical curves shall be used as changes of grade exceeding one percent and designed to provide minimum sight distances of 200 feet for

---

<sup>2</sup> Editor's Note: The Table of Road and Highway Design Standards for Montour Township, which immediately followed this subsection, is included at the end of this chapter.

minor streets and 300 feet for all other streets (as determined by the current specifications of the American Association of State Highway Officials).

- C. Grades. Center-line grades shall not be less than one-half of one percent. Center-line grades shall not exceed six percent for collector and arterial streets and 10% for all other streets. Where the grade of any street at the approach to an intersection exceeds seven percent, a leveling area shall be provided at least 20 feet in length, measured behind the right-of-way line, having not greater than four percent grades. The maximum grade within any intersection shall not exceed one percent.
4. Street intersections.
- A. Intersections of local streets with collector streets shall be kept to the minimum which will permit sound development of the abutting land.
- B. No more than two streets shall intersect at one point.
- C. Streets shall intersect as nearly as possible at right angles; except, if shown to be impractical, angles of less than 90° may be permitted, providing the angle of intersection is not less than 60°.
- D. Two streets intersecting from opposite sides of another street shall intersect at their center lines; if offset, however, the offset shall be at least 125 feet.
- E. Clear sight triangles of 50 feet, measured along street right-of-way lines from their points of junction, shall be provided at all intersections; and no building, structure, fence, grade or planting higher than two feet above the center line of the street shall be permitted within such sight triangles. Necessary utility poles and streetlight standards may be placed within the aforementioned sight triangles.
- F. Intersections with arterial or collector streets shall be located not less than 800 feet apart, measured from center line to center line.
- G. Table of Road Intersection Sight Distance Standards.

Design Speed		Minimum Sight Distance		
2-Lane*		4-Lane*		
Collector/Local		Arterial	Collector/Local	Arterial
(mph)	(feet)	(feet)	(feet)	(feet)
60	600	1,050	710	1,170
50	500	875	580	975
40	400	700	475	790
30	300	530	350	590



## SUBDIVISION AND LAND DEVELOPMENT

### NOTES:

\* The number of lanes and highway classification refers to the highway being intersected.

Source: Based upon PADOT Guidelines for Local Roads and Streets, Publication 70, April, 1983 Edition and PaCode, Title 67, Chapter 441, January, 1982 Edition.

1. At locations where turning volumes are significant, the intersection approaches should be widened to allow a left-turn lane, and in heavy volume situations channelization may be needed.
  2. Pedestrian movements should be considered in the design where current or expected volumes warrant.
  3. Corner radii of intersections shall be not less than 50 feet, except on local roads with few truck movements, where 35 feet may be approved by the Board of Supervisors upon recommendation of the Township Engineer.
5. Street access. Where a subdivision or land development abuts or contains an existing or proposed public street, the Board of Supervisors may require such measures considered appropriate to protect abutting properties, reduce the number of intersections with major streets and separate local and thru traffic.
- A. Arterial or collector streets. Marginal-access streets, reverse-frontage lots or, in the case of corner lots, access to the street of lower classification may be required where a subdivision or land development abuts or contains an arterial or collector street.
- B. Access driveways.
- (1) Driveways connecting public streets with parking lots or parking stalls shall meet the following requirements:

Type of Development	Driveway		Minimum Curb Radius (feet)	Minimum Intervals (feet)
	Minimum Width (feet)	Maximum Grade		
Single-family				
1-2 lots	Not specified	15%	5	40*
3-4 lots	12	12%	5	50*
Multi-family residential	10 each lane (12 desired)	8%	10	200**
Nonresidential	12 each lane (15 maximum)	5%	15	200**

### NOTES:

\* Between intersection and first driveway.

\*\* Between any two points of access, including both driveways and public streets.

All access driveways shall provide a stopping area measured 20 feet behind the right-of-way line, with a grade not exceeding 4%.

## (2) Table of Driveway Sight Distance Standards:

Road Class	Posted Speed	Sight Distance – Cars/Small Trucks*
		Left and Right
Minor arterial	55	740 feet
Major collector	45	555 feet
Minor collector	35	395 feet
Local road	35	395 feet
	30	320 feet
	25	255 feet
Marginal-access road	25	255 feet

**NOTES:**

Source: Chapter 21 of the Montour Township Code.

\* Sight distance is measured from a point 42 inches above the center of the proposed driveway and 10 feet back into the driveway from the edge of the traveled or paved portion of the Township road to points 42 inches above the center of the Township road both to the right and left of the proposed driveway.

6. Cul-de-sacs. Cul-de-sacs permanently designed as such shall not exceed 600 feet in length and shall furnish access to not more than 15 dwelling units. Cul-de-sacs shall have, at the closed end, a turn-around with a right-of-way having a minimum outside radius of not less than 50 feet and paved to a radius of not less than 40 feet. Drainage of cul-de-sacs shall preferably be toward the open end, although alternative designs may be considered.
7. Alleys. Alleys should not generally be permitted except where required to assure continuity in present street patterns and where other methods of entrance and exit are impractical. No lots shall front on an alley.
8. Sidewalks. Sidewalks shall be required on both sides of the street in residential subdivisions having a typical lot width of 100 feet or less and in all residential land developments. Sidewalks may also be required in nonresidential developments or residential subdivisions having a lot width greater than 100 feet if the character of the neighborhood is such that continuation of existing sidewalks, access to community facilities or intra-site access is important.
  - A. The minimum width of combination sidewalk and curb shall be six feet. Where the sidewalk and curb are separated by an unpaved planting section, the minimum width of the sidewalk alone shall be four feet along all streets. The sidewalk should be located within the street right-of-way, starting one-foot inside the right-of-way line and extending toward the curb.

## SUBDIVISION AND LAND DEVELOPMENT

- B. The grades and paving of the sidewalk shall be continuous across drive-ways, except in nonresidential and high-density residential developments and in certain other cases where heavy traffic volume dictates special treatment.

(Ord. 10/13/1971, §510; as amended by Ord. 7/6/1979B; by Ord. 12/15/1987; by Ord. 12/12/1991A, §13; and by Ord. 8/11/2005)

### **§503. Off-Street Parking.**

1. Parking requirements. Off-street automobile parking facilities shall be provided in accordance with the requirements of the Township Zoning Ordinance. At no time shall angle or perpendicular parking be permitted along the public streets; parallel parking along public streets shall not count toward meeting the zoning requirements.
2. Parking lot design. All parking lots and bays shall be:
  - A. Set back from the street line a distance of at least five feet.
  - B. Not exceeding 50 cars in any one lot.
  - C. Separated from one another by eight-foot planting strips.
  - D. Separated from the outside wall of any dwelling unit by 20 feet.
  - E. Designed so that vehicles may proceed to and from any stall without requiring the moving of any other vehicle.
  - F. Designed so that dead-end lots are provided with backup areas for end stalls.
3. The design and installation of individual parking stalls shall be not less than the following dimensions:

<b>Angle of Parking</b>	<b>Stall</b>		<b>Driveway*</b>	
	<b>Width (feet)</b>	<b>Depth (feet)</b>	<b>One-Way Use (feet)</b>	<b>Two-Way Use (feet)</b>
90 Degrees	10	20	20	24
60 Degrees	10	21	18	21
45 Degrees	10	20	15	18
30 Degrees	10	18	12	15
Parallel	8	22	12	18

**NOTE:**

\* Refers only to driveway serving lot or stall in question; access driveways between lots and public streets are governed by §502(5).

(Ord. 10/13/1971, §520; as amended by Ord. 11/10/1988A)

**§504. Lot and Block Design.**

1. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and the type of development and use contemplated.
  - A. Lot dimensions shall meet the requirements of the Township Zoning Ordinance.
  - B. Except as otherwise provided in §502(1) (I), all lots shall abut on a public street. Lots where front and rear property lines abut public streets are prohibited except where employed to prevent vehicular access to arterial or collector streets.
  - C. Lot depths shall be not less than one nor more than two and 1/2 times the average width.
  - D. Depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.
  - E. Side lot lines shall be substantially at right angles or radial to street lines.
2. Block requirements. The length, width and shape of blocks shall be determined with due regard to the provision of adequate sites for the type of buildings proposed, applicable municipal zoning requirements, topography and the requirements for safe and convenient vehicular and pedestrian circulation.
  - A. Blocks shall have a maximum length of 1,200 feet and, insofar as practical, a minimum length of 500 feet. Special consideration shall be given to the requirements of satisfactory fire protection.
  - B. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse-frontage lots bordering an arterial street or the cluster design option are used.
  - C. Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such easements shall have a width of not less than 15 feet and a paved walk of not less than four feet.
3. Easements.

## SUBDIVISION AND LAND DEVELOPMENT

- A. Easements shall be provided as necessary for utilities and drainage. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines and be at least 20 feet wide.
- B. Consistent with the functional requirements of the utility involved, accessory uses may be permitted within the area of easement. The area shall be kept as lawn if not utilized for other purposes.
- C. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than 20 feet or as may be required or directed by the Pennsylvania Department of Environmental Resources.

(Ord. 10/13/1971, §530; as amended by Ord. 12/12/1991A, §14; and by Ord. 7/10/1997, §5)

### **§505. Grading and Drainage.**

In addition to the other provisions of this section, the developer shall comply with all requirements of the Clean Streams Act, including but not limited to sedimentation and erosion control, and the Storm Water Management Act.

- A. Land developments of all types shall be designed to preserve, to the maximum extent practical, natural stormwater runoff regimes and watercourses, currents and cross-sections of watercourses and to protect and conserve groundwater and groundwater recharge areas.
  - (1) Land developments of all types shall be designed to induce, to the maximum extent practical, the absorption of stormwater on-site or in nearby proximity for recharge of groundwater.
  - (2) Land developments of all types shall be designed to be consistent with any official Stormwater Management Plan(s) adopted by Montour Township and/or Columbia County.
  - (3) Subdivision and land development plans shall be reviewed to ensure that construction of structures and modification of terrain does not create obstructions which will be damaged by floods or washed away and cause damage to downstream properties.
  - (4) Subdivision and land development plans shall be reviewed to insure that encroachments are not allowed on floodways, which would cause damage to other properties by increasing the height or velocity of floods.

- (5) Subdivision and land development plans shall be reviewed for the purpose of preventing pollution of watercourses during floods by preventing the placement or storage in the floodway of unsanitary or dangerous substances.
- (6) Blocks and lots shall be graded to secure proper drainage away from buildings and prevent the collection of storm water in pools.
- (7) All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural watercourse.
- (8) The owner shall construct and/or install such drainage structures and/or pipes necessary to prevent erosion damage and satisfactorily carry off such surface waters. The owner shall properly grade, stabilize and seed slopes and fence any open ditches when it is deemed necessary by the Board of Supervisors.
- (9) No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:
  - (a) The excavation is located so that a line having a slope of one horizontal to one vertical and passing through any portion of the cut face will be entirely inside of the property lines of the property on which the excavation was made.
  - (b) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than one horizontal to one vertical and a written statement of a civil engineer (licensed by the Commonwealth of Pennsylvania and experienced in erosion control) to that effect is submitted to the Engineer and approved by him. The statement shall state that the site has been inspected and the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
  - (c) A concrete or stone masonry wall constructed in accordance with approved standards is provided to support the face of the excavation.
- (10) No fill shall be made which creates any exposed surface steeper in slope than three horizontal to one vertical, except under one or more of the following conditions:
  - (a) The fill is located so that settlement, sliding or erosion will not result in property damage or be a hazard to adjoining property, streets, alleys or buildings.

## SUBDIVISION AND LAND DEVELOPMENT

- (b) A written statement from a civil engineer (licensed by the Commonwealth of Pennsylvania and experienced in erosion control) certifying that he has inspected the site and the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Engineer.
    - (c) A concrete or stone masonry wall constructed in accordance with approved standards is provided to support the face of the excavation.
  - (11) The top or bottom edge of slopes shall be a minimum of five feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property.
- B. Storm sewerage system.
- (1) Storm drains and appurtenances shall be required to be constructed by the owner to take surface water from the bottom of vertical grades, lead water away from springs and avoid excessive use of cross gutters at street intersections and elsewhere.
  - (2) Only natural watercourses which are of sufficient size to come under the regulations of the Pennsylvania Department of Environmental Resources (i.e., draining 1/2 square mile or more) shall be permitted to enter or flow through a developed subdivision within an open (non-conduit) channel. All other drainage, watercourses, channels or ditches shall be incorporated into a storm sewer system and shall flow through pipes from a point of intersection with the exterior boundary lines of a subdivision or land development at its exits.
  - (3) In the design of storm sewerage systems, the future use of undeveloped areas upstream shall be taken into account in calculating pipe sizes.
- C. Bridges and culverts.
- (1) Bridges and culverts shall be designed to meet current Pennsylvania Department of Transportation standards to support expected loads and carry expected flows. They shall be constructed to the full width of the right-of-way.
  - (2) Approval of or a permit waiver from the Department of Environmental Resources Bureau of Dams and Waterways Management shall be required for all waterway encroachments. All Department of Environmental Resources' regulations regarding waterways, bridges and culverts shall be followed.

(Ord. 10/13/1971, §540; as amended by Ord. 12/15/1987; and by Ord. 12/12/1991A, §15)

### **§506. Environmental and Landscape Considerations.**

1. Community facilities. The Board of Supervisors may require the dedication or private reservation of land for recreational parks, playgrounds, schools, open space or other public use or the construction of recreational facilities, the payment of fees in lieu thereof, or a combination, as a condition precedent to final plan approval, subject to Section 503.11 of the Pennsylvania Municipalities Planning Code.
  - A. Areas set aside for recreational purposes shall be reasonably compact parcels, placed to serve all parts of the subdivision or land development and accessible from a public street.
  - B. Playgrounds for active sports shall be of adequate size to provide sufficient area for proposed uses.
  - C. In developments intending to provide housing for more than 50 families, recreation space shall be required as follows:

<b>Dwelling Units to be Served</b>	<b>Recommended Recreation Space</b>
50 – 150	3 acres
151 – 350	5 acres
351 – 600	7 acres
601 – 900	9 acres
Each additional 300 units	2 acres

2. Street buffer plantings.
  - A. Trees should be planted along the development side of all streets where suitable street trees do not exist. They shall be planted as a mix of low- and medium-height shrubs and evergreen trees together with canopy trees in an arrangement which will produce by the end of a ten-year growth period the screening opacity level as required by the approved land development plan. See §506(3).
  - B. At intersections, trees shall be located at least 20 feet from the intersection of the street right-of-way lines. Where the planting strip between the street curb and the sidewalk is less than six feet, the trees shall be planted on the lots.



## SUBDIVISION AND LAND DEVELOPMENT

- C. Trees shall be of nursery stock grown under climatic conditions comparable to those of the Township. They shall be of symmetrical growth, free of insects, pests and disease and suitable for street use and durable under the maintenance contemplated.
- D. In particular, approved trees include the following:
  - (1) *Acer ginnala* – Amur Maple.
  - (2) *Acer platanoides* – Norway Maple.
  - (3) *Acer saccharum* – Sugar Maple.
  - (4) *Cornus florida* – Flowering Dogwood.
  - (5) *Fraxinus americana* – White Ash.
  - (6) *Fraxinus Pennsylvanica lanceolata* – Green Ash.
  - (7) *Ginkgo bioba* – Ginkgo.
  - (8) *Gleditsia tricanthos inermis* – Moraine Locust.
  - (9) *Liquidambar styraciflua* – Sweet Gum.
  - (10) *Liriodendron tulipifera* – Tulip Tree.
  - (11) *Phellodendron amurense* – Amur Cork Tree.
  - (12) *Platanus acerifolia* – London Plane Tree.
  - (13) *Quercus alba* – White Oak.
  - (14) *Quercus borealis* – Red Oak.
  - (15) *Quercus coccinea* – Scarlet Oak.
  - (16) *Quercus phellos* – Willow Oak.
  - (17) *Robinia pseudoacacia inermis* – Thornless Black Locust.
  - (18) *Tilia* – Linden; all species hardy to the area.
  - (19) *Zelkova serrata* – Japanese Zelkova.
- 3. Buffering. Along the border of two different land uses, the developer shall provide a landscaped buffer area of low- and medium-height shrubs and evergreen trees together with canopy trees designed to produce, by the end of a ten-year growth

period, the screening opacity level as required by the approved land development plan. The following table is intended as a guide for the review of such plan and indicates the opacity levels as a percentage number.

<b>Proposed Land Use</b>	<b>Existing Adjacent Land Use</b>					
	<b>AG</b>	<b>C</b>	<b>HC</b>	<b>SR</b>	<b>VR</b>	<b>I</b>
Agricultural (AG)	0%	0%	0%	25%	50%	0%
Conservation (C)	0%	0%	75%	25%	50%	25%
Highway Commercial (HC)	25%	75%	25%	50%	75%	25%
Industrial (I)	25%	25%	25%	50%	75%	0%
Suburban Residential (SR)	25%	25%	50%	25%	25%	50%
Village Residential (VR)	50%	50%	25%	25%	25%	75%

- A. The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year.
  - B. In accordance with the provisions of §501(3), a clear sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
  - C. The screen planting shall be broken only at points of vehicular or pedestrian access.
4. Environmental assessment. Subdivision and land development proposals will be required to demonstrate that the development will not create adverse impact upon the environment. Where determined necessary, the Commission may require an environmental assessment for a proposed subdivision or land development. If the environmental assessment finds significant adverse impact, an environmental impact statement may be required. Changes in the proposal may be required to avoid such impact.
    - A. Where land developments are proposed directly adjacent to wetlands, the developer will be required to demonstrate that the development will not endanger the wetlands.
    - B. Where large and/or intensive new developments are proposed which create potential land use conflicts, existing development will be surveyed, owners contacted, and the developer required to create buffers where incompatible land uses are adjacent, and employ site location and design measures to minimize incompatibilities.
  5. Fencing.

## SUBDIVISION AND LAND DEVELOPMENT

- A. Fences and screens in residential and commercial districts, except agricultural and agricultural boundary line fences, shall be positioned so as to allow mowing and maintenance on the outboard side without the necessity to cross over the property line. A minimum of five feet setback from the property line, including all outer limbs of any vegetative screens at full maturity, shall be required.
- B. The height and types of fences and screens shall be designed to blend compatibility with adjoining pre-existing fences and screens and neighborhood character.
- C. Fences and screens shall be designed and positioned so as to respect the need for solar access and right to scenic view of adjoining pre-existing developments.
- D. In accordance with the provisions of §501(3), a clear sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
- E. The screen planting shall be broken only at points of vehicular or pedestrian access.

(Ord. 10/13/1971, §550; as amended by Ord. 12/12/1991A, §16)

### **§507. Land Development Standards.**

- 1. Multifamily development.
  - A. The density, parking and area and building requirements shall in all respects conform to the Township Zoning Ordinance for multifamily developments.
  - B. Arrangement of buildings and facilities.
    - (1) All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of the adjoining property and the type and size of the buildings in order to produce a livable and economic land use pattern.
    - (2) Arrangement of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site and exposure to the sun and other buildings on the site. Grading around buildings shall be designed to be in harmony with natural topography, at the same time assuring adequate drainage and safe and convenient access.

- C. Access and circulation.
    - (1) Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
    - (2) Access and circulation for fire-fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
    - (3) Walking distance from the main entrance of a building to a street, driveway or parking area shall usually be less than 100 feet; exception to this standard should be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed 250 feet.
  - D. Yards shall assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the dwellings and other essential uses.
  - E. Streets, driveways and parking areas shall be as specified in other sections of this Part.
  - F. Sidewalks.
    - (1) Street sidewalks and on-site walks shall be provided for convenience and safe access to all living units from streets, driveways, parking areas or garages and convenient circulation and access to all project facilities.
    - (2) Width, alignment and gradient of walks shall provide safety and convenience for pedestrian traffic.
    - (3) The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks.
  - G. Planting. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.
2. Mobile home park development. Mobile home parks shall generally be located in areas appropriate for general residential usage and not in commercial areas. Sites selected for mobile home parks should be shielded from public streets and nonresidential land uses by topography, buffering or compatible land uses.

## SUBDIVISION AND LAND DEVELOPMENT

- A. Zoning requirements. Mobile home parks shall meet all appropriate Township zoning provisions.
  - B. Street and driveway improvements. Mobile home parks shall have paved driveways or streets, as appropriate, to, from and within each site. Such driveways or streets shall be constructed in accordance with Specifications contained in Sections 403(1), 502(2) and 502(5B) herein.
  - C. Open space. All mobile home parks shall provide not less than 10% of the total land area for open space purposes, and such lands shall be improved whereby the same will be accessible to all families residing within said tract and may be used for recreational purposes.
  - D. Utility improvements. All mobile home parks shall provide to each lot line a continuing supply of safe and palatable water as approved by the Pennsylvania Department of Health, as well as a sanitary sewerage disposal system in accordance with and as approved by the Pennsylvania Department of Health, all such systems being provided to the lot lines of all lots in any such mobile home park.
  - E. Other site improvements. There shall be provided in each mobile home park such other improvements as the Planning Commission may require whereby such requirements shall be for the intent and purpose of safeguarding the public health, safety and general welfare and may include, but not be limited to, garbage and trash collection and disposal facilities as approved by the Pennsylvania Department of Environmental Resources, and an adequate park lighting system.
  - F. No part of any proposed mobile home park shall be placed in any floodway area (FW).
  - G. Mobile home lot requirements.
    - (1) The minimum area of a mobile home lot shall be 5,000 square feet.
    - (2) The minimum width of a mobile home lot shall be 50 feet.
    - (3) The minimum depth of a mobile home lot shall be 100 feet.
    - (4) The minimum distance between any mobile home, including appurtenances, and the front, side, or rear of a mobile home lot line upon which it is situate shall be 30 feet.
3. Nonresidential development.
- A. Lotting of individual lots for commercial purposes shall be avoided in favor of a comprehensive design of the land to be used for such purposes.

- B. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of the adjoining property and the type and size of the buildings in order to produce a livable and economical land use pattern.
- C. Additional width of streets adjacent to areas proposed for nonresidential use may be required as deemed necessary by the Board of Supervisors to assure the free flow of thru traffic from vehicles entering or leaving parking areas.
- D. When adjacent lots proposed for nonresidential uses front on a collector or arterial street, the owner may be required to provide a service road for ingress and egress; or, in lieu thereof, the owner may be required to provide an area adjacent to the proposed lots for off-street parking purposes.
- E. Every effort shall be made to protect adjacent residential areas from potential nuisance of the proposed nonresidential developments, including the provisions of extra depths in parcels backing up on existing or potential residential developments and provisions for a permanently landscaped evergreen buffer strip.
- F. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of the adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic.
- G. When possible, parking areas shall be located or designed in such a manner that they are visibly secluded from eye level of the surrounding area. Grading to depress the parking area, raised berms, landscaping or fencing are satisfactory methods to create such seclusion.
- H. All area, design and parking requirements shall conform to the Township Zoning Ordinance.

(Ord. 10/13/1971, §560; as amended by Ord. 7/6/1979B; by Ord. 12/4/1981, §2; by Ord. 12/15/1987; and by Ord. 12/12/1991A, §17)



## **Part 6**

### **Improvements Agreement**

#### **§601. Agreement.**

The developer shall agree, in writing, in a form provided by the Township, that he will construct or install and maintain until dedication all of the improvements required herein or required as a condition of approval of the final plan in accordance with the governing specifications and within the specified time limits.

(Ord. 12/15/1987)

#### **§602. Guarantees.**

1. As a condition for approval of a Final Plan, the developer shall deposit with the Township financial security in an amount sufficient to cover 110% of the costs of completion of the required improvements estimated as of 90 days following the date scheduled for completion by the developer, in accordance with §509 of the Act. In cases where development is projected over a period of years, the Board may authorize submission of final plan by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
2. Guarantees may take the form of performance bonds, cash deposit, irrevocable letter of credit, restricted or escrow account naming the Township as having the unrestricted right to demand funds from said account for completion of required improvements, so long as such lending institution holds a current Commonwealth or Federal charter and subject to approval of the Township Solicitor.
  - A. For any development improvements which are not completed within one calendar year of the date financial security was posted, the Township shall annually adjust the amount of required security in accordance with Section 509 of the Act. Subsequent to said adjustment, the Township shall require the developer to post additional security to assure that the financial security equals said 110%.
  - B. The amount of financial security required shall be based upon an estimate of the cost of completion of required improvements submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. Montour Township, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. Should the Township and the applicant or developer be unable to



## SUBDIVISION AND LAND DEVELOPMENT

agree on the estimate the process for resolving the estimate as specified in Section 509(g) of the Act shall be followed.

- C. When requested by the developer, in order to facilitate financing, the Board shall furnish the developer with a signed resolution or letter indicating approval of the final plan contingent upon the developer obtaining satisfactory financial security. The final plan shall not be signed or recorded until the Development Agreement is fully executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days of its date unless a written extension is granted by the Board.

(Ord. 12/15/1987; as amended by Ord. 12/12/1991A, §18)

### **§603. Release from Guarantees.**

The security for improvements deposited as aforesaid may be released in accordance with §510 of the Act.

(Ord. 12/15/1987; as amended by Ord. 12/12/1991A, §19)

### **§604. Inspection of Improvements.**

1. All improvements required as a condition or part of final plan approval shall be inspected by the Township Engineer. The applicant shall reimburse the Township for all reasonable and necessary costs incurred for the inspection of said improvements in accordance with Section 510 of the Act.
2. In the event there arises a dispute over the fee for inspection of the required improvements the procedures prescribed in Section 510(g) of the Act shall be followed.

(Ord. 12/15/1987, as added by Ord. 12/12/1991A, §20)

### **§605. Remedies.**

If the developer does not satisfactorily construct or install all of the improvements included within the agreement referred to in §601 hereof, the Board shall institute appropriate legal or equitable proceedings to enforce the bond or other security referred to in §602 hereof, or if no bond or other security is enforceable or if the proceeds thereof are insufficient to pay the cost of completing the construction or installation of such improvements or the cost of making repairs or corrections thereto prior to receiving the cost thereof from the surety on the bond, from the other security, or from the developer. All funds recovered from the surety, from other security, or from the developer shall be used solely for such improvements and not for any other Township purpose.

(Ord. 12/15/1987; as amended by Ord. 12/12/1991A, §21)

## **Part 7**

### **Plan Requirements**

#### **§701. Sketch Plan.**

Data furnished in a sketch plan is at the discretion of the developer. For fullest usefulness, it is suggested that it include the following information.

- A. Tract boundary.
- B. Location map.
- C. North point, approximate scale and date.
- D. Streets on and adjacent to the tract.
- E. Topographical and physical features.
- F. Proposed general street layout.
- G. Proposed general lot layout.
- H. One-hundred-year flood contours and floodway (FW) area boundaries.

(Ord. 10/13/1971, §710); as amended by Ord. 7/6/1979B)

#### **§702. Preliminary Plan.**

1. The developer shall supply 10 copies of the preliminary plan and data, along with 10 copies of a written application, to the Township Secretary. The copies of the preliminary plan can be either black-and-white or blue-and-white prints; the sheet size shall be 22 inches by 34 inches.
2. The preliminary plan shall be at a scale of 50 or 100 feet to the inch and show the following information:
  - A. Proposed name of the subdivision or land development and the municipality in which it is located.
  - B. Name and address of the owner of the tract or his authorized agent, if any, and the developer, plus the architect, surveyor or engineer who prepared the plan.
  - C. Date, north point and graphic scale.

## SUBDIVISION AND LAND DEVELOPMENT

- D. Total acreage of the tract and number of lots.
- E. Zoning requirements (district and basic dimensional requirements) including lowest floor elevations in the floodplain areas.
- F. A location map showing the relation of the tract to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the property proposed to be developed. This map shall be at a scale of 2,000 feet to the inch.
- G. Tract boundaries showing distances and bearings.
- H. Contours at vertical intervals of two feet and the location of bench mark and datum used; intervals of five feet may be used if specific permission is granted by the Planning Commission.
- I. The names of all owners of all immediately adjacent unplatted land; the names of all proposed or existing subdivisions immediately adjacent and the locations and dimensions, including elevations, of any streets or easements shown thereon; the locations and dimensions, including elevations, of all existing streets, roads, railroads, public sewers, aqueducts, water mains and feeder lines, fire hydrants, gas, electric and oil transmission lines, water-courses, wetlands and other significant features within 200 feet of any part of the property proposed to be developed; and the locations of all buildings and approximate locations of all tree masses within the property.
- J. The location and widths of any streets or other public ways or places shown upon an adopted Township, County or State plan, if such exists for the area to be developed.
- K. The full plan of the development showing the location of all proposed streets, roads, alleys, utility easements, parks, playgrounds and other public areas; sewer and water facilities; proposed building setback lines for each street; proposed lot lines and approximate dimensions of lots; lot numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, together with the conditions of such dedications or reservations.
- L. Provision for surface drainage of the tract to be developed.
- M. Tentative cross-sections and center-line profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
- N. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.
- O. One-hundred-year floodplain contours and floodway area (FW) boundaries.

- P. A complete preliminary plan showing the ultimate state of development is always encouraged and may be required when the Commission determines that is necessary in order to fully understand the extent and effects of the development. Where the preliminary plan submitted covers only a part of the developer's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished. The street system of the unsubmitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.
- Q. Proposed street names, to be accompanied by a letter from the Postmaster of the area in which the subdivision or land development is located, stating that the proposed names (except in the case of extensions of existing streets) do not duplicate the names of streets now in use.
- R. A draft of any proposed covenants to run with the land.
- S. A tentative timetable for the proposed sequence of development for the subdivision or land development.
- T. When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service must be presented to the Commission. This assurance shall be in the form of a letter signed by a responsible officer of the company or authority concerned, indicating its ability and willingness to make such service available and as specified herein in §405.
- U. When one or more lots, including a residual lot, cannot be connected to a public sewage facility, soils testing shall be performed at the developer's expense by the Township's Sewage Enforcement Officer in accordance with the Pennsylvania Department of Environmental Resources' regulations. Test locations for all lots, including the residual parcel, shall be shown and numbered on the plans. Copies of the approved sewage disposal permit, or Planning Module Component I for 10 lots or less, and documentation of Pennsylvania Department of Environment Resources approval of the sewage facilities plan revision or supplement shall be included with the application.
- V. Proposed alterations or relocations of streams or watercourses. All requirements of Pennsylvania Department of Environmental Resources regulations shall be fulfilled and all waterway encroachment permits included with the application.
- W. Where a new street intersection, whether public or private, or driveway is to be created, a highway occupancy permit from the Pennsylvania Department of Transportation or documentation that a permit can be issued for access to a State highway or an access permit from the Township for access to a Township roadway shall be required. The plan shall show a notice that a highway occupancy permit from Pennsylvania Department of Transportation is required before construction can commence.

## SUBDIVISION AND LAND DEVELOPMENT

- X. A copy of all applications to the Pennsylvania Department of Transportation for a highway occupancy permit shall be submitted to the Township Planning Commission for concurrent approval by the Township and Pennsylvania Department of Transportation.

(Ord. 10/13/1971, §720); as amended by Ord. 7/6/1979 B; by Ord. 12/15/1987; and by Ord. 12/12/1991A, §§22 and 26)

### **§703. Final Plan.**

1. The final plan is to be submitted to the Township Secretary for approval by the Board of Supervisors. The final plan shall be at a scale of 50 feet or less to the inch. If the final plan is drawn in two or more sections, it shall be accompanied by a key map showing the location of the several sections. The developer shall supply 10 copies of the proposed final plan and 10 copies of other required exhibits and agreements. The sheet size shall be 22 inches by 34 inches.
2. The final plan shall show the following:
  - A. Name of the subdivision or land development and the municipality in which it is located.
  - B. Name and address of the owner of the tract or his authorized agent and the developer, plus the architect, surveyor or engineer who prepared the plan.
  - C. Date, north point and graphic scale.
  - D. Lot numbers (in consecutive order), dimensions, minimum area and total number of lots; acreage of the whole development; density and use of land.
  - E. Source of title to the land of the subdivision or land development and to all adjoining lots as shown by the books of the Recorder; names of the owners of all adjoining unsubdivided or undeveloped land.
  - F. A location map showing the relation of the property to all streets, roads, municipal boundaries, watercourses, floodway and one-hundred-year floodplain boundaries existing within 1,000 feet of any part of the property proposed to be developed. This map shall be at a scale of 2,000 feet to the inch.
  - G. Lot lines with accurate bearings and distances (distances to be to the nearest hundredth of a foot).
  - H. Pedestrian ways.

- I. Accurate dimensions of existing public land and any property to be dedicated or reserved for public, semipublic or community use; all areas to which title is reserved by the owner.
- J. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one foot in 10,000 feet.
- K. Accurate distances and directions to be nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- L. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- M. Complete curve data for all curves included in the plan, including radius, delta angle, tangent, arc and chord.
- N. Street lines, with accurate dimensions in feet and hundredths of feet, with the bearing of such street lines.
- O. Street names.
- P. Locations and materials of all permanent monuments and lot markers.
- Q. Easements for utilities and any limitations on such easements.
- R. Setback lines not less than the minimum fixed by the applicable zoning ordinance or any other setback lines established by this chapter or public authority or those specified in the deed restrictions, whichever is greater.
- S. The following information, where applicable, shall be shown on the plan:
  - (1) Seals.
    - (a) The impressed seal of the licensed engineer or engineer surveyor who prepared the plan.
    - (b) The impressed corporation seal, if the developer is a corporation.
    - (c) The impressed seal of a notary public or other qualified officer acknowledging the owner's statement of intent.
  - (2) Acknowledgements.
    - (a) A statement to the effect that the applicant is the owner of the land proposed to be developed and that the subdivision or land

## SUBDIVISION AND LAND DEVELOPMENT

development shown on the final plan is made with his or their free consent and it is desired to record the same.

- (b) An acknowledgement of said statement before an officer authorized to take acknowledgements.
- (3) The following signatures in black India ink shall be placed directly on all copies of the plan submitted for approval.
  - (a) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
  - (b) The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.
  - (c) The signature of the licensed engineer or surveyor who prepared the plan.
- T. When connection to public water and/or sewage facilities is proposed, assurance of the availability of such service must be presented to the Commission. This assurance shall be in the form of a letter signed by a responsible officer of the company or authority concerned, indicating its ability and willingness to make such service available and as specified herein §405.
- U. When one or more lots, including a residual lot, cannot be connected to a public sewage facility, soils testing shall be performed at the developer's expense by the Township's Sewage Enforcement Officer in accordance with the Pennsylvania Department of Environmental Resources regulations. Test locations for all lots, including the residual parcel, shall be shown and numbered on the plans. Copies of the approved sewage disposal permit, or Planning Module Component I for 10 lots or less, and documentation of Pennsylvania Department of Environment Resources approval of the sewage facilities plan revision or supplement shall be included with the application.
- V. Proposed alterations or relocations of streams or watercourses. All requirements of Pennsylvania Department of Environmental Resources regulations shall be fulfilled and all waterway encroachment permits included with the application.
- W. Where a new street intersection, whether public or private, or driveway is to be created a highway occupancy permit from the Pennsylvania Department of Transportation or documentation that a permit can be issued for access to a State highway or an access permit from the Township for access to a Township roadway shall be required. The plan shall show a notice that a highway occupancy permit from Pennsylvania Department of Transportation is required before construction can commence.

- X. A copy of all applications to the Pennsylvania Department of Transportation for a highway occupancy permit shall be submitted to the Township Planning Commission for concurrent approval by the Township and Pennsylvania Department of Transportation.
3. The final plan shall be accompanied by the following material:
- A. Final profiles, cross-sections and specifications for street improvements, sanitary and storm sewerage and water distribution systems shall be shown on one or more separate sheets.
  - B. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the drawing.
  - C. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space which shall bear the certificate of approval of the municipal solicitor as to their legal sufficiency.
  - D. Certification of dedication of streets and other public property.
  - E. Completed agreements required by §601 herein.
  - F. One of the following to guarantee the completion of required improvements:
    - (1) A certificate from the developer and signed by the Engineer that all improvements and installations in the subdivision or land development required by this chapter have been made or installed in accordance with specifications; or
    - (2) A bond, certified check or other security satisfactory to the municipality which shall:
      - (a) Be made payable to the municipality; and
      - (b) Be in an amount determined by the governing body to be sufficient to complete the improvements and installations in compliance with this chapter.
      - (c) In the case of a bond, it shall also be with satisfactory surety and form, sufficiency and execution acceptable to the Board of Supervisors.
  - G. All required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or land municipality where alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected municipalities, the Department of Community Affairs, and the Fed-



## SUBDIVISION AND LAND DEVELOPMENT

eral Insurance Administration have been notified of a proposed alteration or relocation.

4. The final plan shall be accompanied by a check or money order drawn to the Township as required to supplement the original deposit.

(Ord. 10/13/1971, §730); as amended by Ord. 7/6/79 B; by Ord. 12/15/1987; and by Ord. 12/12/1991A, §§22 and 26)

### **§704. Minor Subdivisions.**

Minor subdivision plans shall show or be accompanied by the following information:

A. Drafting standards.

- (1) The plan shall be drawn at a scale of one inch equals 50 feet or one inch equals 100 feet.
- (2) Dimensions shall be in feet and decimal parts thereof and bearings in degrees, minutes and seconds.

B. General information.

- (1) Name of the subdivision or land development.
- (2) Name and address of the owner.
- (3) Name and address of the engineer or surveyor responsible for the plan.
- (4) Zoning classification and basic dimensional requirements, including elevation requirements in floodplain areas.
- (5) Date, north point and scale.
- (6) A location map for the purpose of locating the site at a scale of not less than 2,000 feet to the inch.

C. Existing features.

- (1) Complete outline survey of the property to be developed, showing all courses, distances and area and tie-ins to all adjacent street intersections.
- (2) The location, names and widths of streets; the location of property lines and names of owners; the location of watercourses, sanitary sewers, storm drains and similar features.

- (3) The location and character of existing buildings, wooded areas and other features.
- (4) One-hundred-year flood elevation contours and floodway area boundaries.

D. Proposed layout.

- (1) Proposed layout of lots.
- (2) Lots numbered.
- (3) Building setback lines.
- (4) Total area and minimum lot size.

(Ord. 10/13/1971, §740; as amended by Ord. 7/6/1979 B; and by Ord. 12/15/1987)



## **Part 8**

### **Administration**

#### **§801. Waivers.**

1. The provisions of this chapter are the minimum standards for the protection of the public welfare. The Township reserves the right to modify or extend them as may be necessary in the public interest.
2. If any mandatory provision of this chapter is shown by the applicant to be unreasonable and cause unique and undue hardship as they apply to his proposed subdivision or land development, the Board of Supervisors may grant a waiver, in writing, to such applicant from such mandatory provisions so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of this chapter. A waiver shall only be granted by a majority of the Board of Supervisors present at a duly advertised regular or special public meeting.
3. In granting waivers and modifications, the Board of Supervisors may impose such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified.

(Ord. 10/13/1971, §810; as amended by Ord. 12/15/1987; and by Ord. 2/9/2006)

#### **§802. Innovative Design.**

1. Innovative design of subdivisions or land developments which serves the purposes of this chapter and the Township Comprehensive Plan and is determined by the Board, upon the recommendation of the Planning Commission, to be in the public interest is to be encouraged and may be permitted.
2. Where the proposed innovative design is determined not to be generally consistent with the Comprehensive Plan, one of the following conditions must be found to exist in order for the Township to approve the innovative design:
  - A. The Comprehensive Plan must be found to be not applicable in that particular instance.
  - B. The Comprehensive Plan did not address the issues raised in the proposed design and which, by virtue of new technology or contemporary design practice, will result in an improved quality of development without adverse effect upon the community or the environment.

(Ord. 10/13/1971; as added by Ord. 12/12/1991A, §23)

## SUBDIVISION AND LAND DEVELOPMENT

### **§803. Mediation Option.**

Where disputes arise in regard to this chapter, the Township may offer to participate in a professionally conducted nonbinding mediation process pursuant to the Act.

(Ord. 10/13/1971; as added by Ord. 12/12/1991A, §24)

### **§804. Automatic Termination of Approval.**

When the developer refuses to accept the conditions of approval within 30 days of notification of such conditions of approval, the approval shall automatically become null and void.

(Ord. 10/13/1971; as added by Ord. 12/12/1991A, §25)

*22 Attachment 1*

## Township of Montour

**TABLE OF ROAD AND HIGHWAY DESIGN STANDARDS FOR MONTOUR TOWNSHIP\*\***

<b>Type</b>	<b>Jurisdiction</b>	<b>ROW (ft.)</b>	<b>No. of Lanes</b>	<b>Cartway (ft.)*</b>	<b>Shoul- ders (ft.)</b>	<b>Curb/Curb Radius</b>	<b>Parking (ft.)</b>	<b>Side- walks</b>	<b>Access</b>
Principal Arterial	State	120 or more	4-6	48-72	8-10	PADOT Decision	Not allowed	None	At grade separated interchanges only
Minor Arterial	State	100	3-4	36-48	8-10	Township Decision	Not allowed	None	Street intersections
Major Collector	State or Township	80	2-4	24-48	6-10	Yes/35'	Not allowed	As needed	Driveway access + design controlled
Minor Collector	State or Township	60	2	22-24	4-8	Yes/25'	8-10 if allowed	As needed	Driveway design standards
Local	Township	50	2	20-22	4	Yes/15'	6-8 if allowed	As needed	Driveway design standards
Marginal Access	Township	33	2	20	– if allowed	Yes/15'	–	6-8	Limited to side street away from major roads

\* Cartway – Travel lanes at ten-, eleven-, and twelve-foot lane widths, dependent upon traffic volume and functional class. Consult §502(3), Chapter 21, of Montour Township Code for maximum grade and curve standards.

Source: PADOT Guidelines for Design of Local Roads and Streets, Publication 70, April, 1983.

\*\* Also, see Zoning, Chapter 27, §501(2)(B).

**CHAPTER 23**  
**SWIMMING POOLS**

(Reserved to accommodate future ordinances)

**CHAPTER 24**  
**TAXATION; SPECIAL**

**Part 1**

**Earned Income Tax**

- §101. Incorporation of Statute**
- §102. Imposition of Tax**
- §103. Declarations, Returns and Payment of Tax**
- §104. Collection at Source**
- §105. Administration**
- §106. Interest and Penalties for Late Payment**
- §107. Fines and Penalties for Violation**

**Part 2**

**Realty Transfer Tax**

- §201. Short Title**
- §202. Authority**
- §203. Definitions**
- §204. Imposition of Tax; Interest**
- §205. Exempt Parties**
- §206. Excluded Transactions**
- §207. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof**
- §208. Acquired Company**
- §209. Credits Against Tax**
- §210. Extension of Lease**
- §211. Proceeds of Judicial Sale**
- §212. Duties of Recorder of Deeds**
- §213. Statement of Value**
- §214. Civil Penalties**
- §215. Lien**
- §216. Enforcement**
- §217. Regulations**

**Part 3**

**Per Capita Tax**

- §301. Authority for Enactment**
- §302. “Resident” Defined**



- §303. Imposition of Tax**
- §304. Collection**

#### **Part 4**

##### **Emergency Management and Municipal Services Tax**

- §401. Definitions**
- §402. Imposition of Tax**
- §403. Amount of Tax**
- §404. Duty of Employers**
- §405. Returns**
- §406. Dates for Determining Tax Liability and Payment**
- §407. Individuals Engaged in More Than One Occupation**
- §408. Self-Employed Individuals**
- §409. Employers and Self-Employed Individuals Residing Outside the Township**
- §410. Administration of Tax**
- §411. Suits for Collection**
- §412. Violations and Penalties**

#### **Part 5**

##### **Local Taxpayer's Bill of Rights**

- §501. Definitions**
- §502. Local Taxpayer's Bill of Rights**

## **Part 1**

### **Earned Income Tax**

#### **§101. Incorporation of Statute.**

The provisions of Section 6913 of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §§6901-24 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, are incorporated herein by reference thereto; except to the extent that options are provided in said Section 6913, this Part designates the option selected, and except as and where hereinafter specifically provided otherwise.

(Ord. 2/2/1966; as revised by Ord. 12/15/1987)

#### **§102. Imposition of Tax.**

1. A tax for the general revenue purposes of one percent is hereby imposed on:
  - A. Salaries, wages, commissions and other compensation earned or paid after January 1 of any year by residents of the Township of Montour; and on
  - B. The net profits, earned after January 1 of any year, of businesses, professions or other activities conducted by such residents.
2. Imposition of tax on nonresidents. A tax for the general revenue purposes of one percent is hereby imposed on:
  - A. Salaries, wages, commissions and other compensation earned or paid after January 1 of any year by nonresidents of the Township for work done or services performed or rendered in the Township; and on
  - B. Net profits, earned after January 1 of any year, of businesses, professions or other activities conducted in the Township by nonresidents.
3. The tax levied under Subsections 1A and 2A of this section shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on his behalf to any person who is employed by or renders services to him. The tax levied under Subsections 1B and 2B of this section will relate to and be imposed on the net profits of any business, profession or enterprise carried on by any person as owner or proprietor, either individually or in association with some other person or persons.

(Ord. 2/2/1966; as revised by Ord. 12/15/1987)

**§103. Declarations, Returns and Payment of Tax.**

1. Every taxpayer whose net profits are subject to the tax imposed by this Part shall file a declaration of his estimated net profits for the current year and shall pay the tax due thereon in quarterly installments, all as provided in Section 6913, IIIA(1)(ii) of the Local Tax Enabling Act.
2. Every taxpayer whose earnings are subject to the tax imposed by this Part shall make and file final returns and pay to the officer the balance of the tax due, as provided in Section 6913, IIIB, first paragraph, of the Local Tax Enabling Act.
3. Every taxpayer whose earnings are not subject to collection at the source shall make and file with the officer quarterly returns and shall pay quarter-annually the amount of tax shown as due on such returns all as provided in section 6913, IIIB(2) of the Local Tax Enabling Act.
4. The office is hereby authorized to provide by regulation, subject to the approval of the Board of Supervisors, that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, wages, or commissions of any employee, and paid by him or them to the officer shall be accepted as the return required of any employee whose sole income, subject to the tax or taxes under this Part, is such salary, wages or commissions.

(Ord. 2/2/1966; as revised by Ord. 12/15/1987)

**§104. Collection at Source.**

Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Township of Montour who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall register with the officer, deduct the tax imposed by this Part on the earned income of his employee or employees and shall make and file quarterly returns and final returns and pay quarterly to the officer the amount of taxes deducted, all as provided in Section 6913, IV of the Local Tax Enabling Act.

(Ord. 2/2/1966; as revised by Ord. 12/15/1987)

**§105. Administration.**

The earned income tax officer shall be selected from time to time by resolution of, and shall receive such compensation for his services and expenses as determined from time to time by, the Board of Supervisors. Such officer shall have the powers and duties and shall be subject to the penalties as provided in Section 6913, V, VI, and VII, of the Local Tax Enabling Act.

(Ord. 2/2/1966; as revised by Ord. 12/15/1987)

**§106. Interest and Penalties for Late Payment.**

If for any reason the tax is not paid when due, interest at the rate of six percent per annum on the amount of said tax, and an additional penalty of one-half of one percent 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 therefore shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

(Ord. 2/2/1966; as revised by Ord. 12/15/1987)

**§107. Fines and Penalties for Violations.**

1. Any person who fails, neglects, or refuses to make any declaration or return required by this Part, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects, or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer 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 Part, shall, upon conviction therefor before any justice of the peace, alderman or magistrate, or court of competent jurisdiction, be sentenced to pay a fine of not more than \$300 for each offense, and costs, and/or to be imprisoned for a period not exceeding 90 days.
2. Any person who divulges any information which is confidential under the provisions of this Part shall, upon conviction therefor before any justice of the peace, alderman or magistrate, or court of competent jurisdiction, be sentenced to pay a fine of not more than \$300 for each offense, and costs, and/or to be imprisoned for a period not exceeding 90 days.
3. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this Part.
4. The failure of any person to receive or procure forms required for making the declaration or returns required by this Part shall not excuse him from making such declaration or return.

(Ord. 2/2/1966, §7); as revised by Ord. 12/15/1987)



**Part 2**  
**Realty Transfer Tax**

**§201. Short Title.**

This Part 2 shall be known as the “Realty Transfer Tax Ordinance of Montour Township”.

(Ord. A-4-9-1987, 4/9/1987, §1)

**§202. Authority.**

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or an interest in real estate situated within Montour township, regardless of where the documents effecting the transfer are made, executed or delivered, or where the actual settlement on such transfer takes place, as authorized by Article IX-D, Local Real Estate Transfer Tax, 72 P.S. §8101-D et seq.

(Ord. A-4-9-1987, 4/9/1987, §2)

**§203. Definitions.**

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

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

DOCUMENT — any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding 30 years, or instruments which solely grant, vest or confirm a declaration of acquisition required to be presented for recording under §208 of this Part 2.

FAMILY FARM CORPORATION — a corporation which has at least 75% of its assets devoted to the business of agriculture and which has at least 75% of each class of stock thereof continuously owned by members of the same family. The business of agriculture shall not be deemed to include:

## TAXATION; SPECIAL

1. Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing.
2. 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.
3. Fur farming.
4. Stockyard and slaughterhouse operations.
5. 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:

1. All lands, tenements or hereditaments within Montour Township, including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, open spaces<sup>1</sup> with or without upper or lower boundaries, trees and other improvements, immovables or interest which by custom, usage or law pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant.
2. A condominium unit.
3. A tenant-stockholder's interest in a cooperative housing corporation, trust or association under a proprietary lease or occupancy agreement.

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

1. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or

---

<sup>1</sup> Editor's Note: Word omitted from ordinance which is based on state law.

2. Holds real estate, the value of which comprises 90% or more of the value of its entire tangible asset holdings, exclusive of tangible assets which are freely transferable and actively traded on an established market.

TITLE TO REAL ESTATE:

1. 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
2. Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including, without limitation, a leasehold interest or possessory interest under a lease or occupancy agreement for a term of 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TOWNSHIP — Montour Township, Columbia County, Pennsylvania.

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

VALUE:

1. In case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the total 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 which 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.
2. In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations.



## TAXATION; SPECIAL

3. In the case of an easement or other interest in real estate, the value of which is not determinable under Subsection 1 or 2, the actual monetary worth of such interest.
4. The actual consideration for or actual monetary worth of an 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 or a related corporation, association or partnership and the grantee existing before or effective with the transfer.

(Ord. A-4-9-1987, 4/9/1987, §3)

### **§204. Imposition of Tax; Interest.**

1. 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 of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within 30 days of acceptance of such document or within 30 days of becoming an acquired company.
2. 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.
3. It is the intent of this Part 2 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 Township under the authority of that Act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate, and such 1/2 rate shall become effective without any action on the part of the Township; provided, however, that the Township and any other political subdivision which imposes such tax on the respective rates to 1/2 of the rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate permitted under the Local Tax Enabling Act.
4. 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.

(Ord. A-4-9-1987, 4/9/1987, §4)

**§205. Exempt Parties.**

The United States, the Commonwealth of Pennsylvania and any of their instrumentalities, agencies or political subdivisions shall be exempt from payment of the tax imposed by this Part 2. The exemption of such government bodies shall not, however, relieve any other party to a transaction from liability for the tax.

(Ord. A-4-9-1987, 4/9/1987, §5)

**§206. Excluded Transactions.**

1. The tax imposed by this Part 2 shall not be imposed upon:
  - A. A transfer to the Commonwealth of Pennsylvania, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.
  - B. A document which the Township is prohibited from taxing under the Constitution or statutes of the United States.
  - C. 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.
  - D. 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.
  - E. A transfer or division in kind for no or nominal actual consideration of property passed by testate or intestate succession and held by co-tenants. However, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
  - F. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.

## TAXATION; SPECIAL

- G. 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.
- H. 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 were 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 the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- I. A transfer for no or nominal actual consideration from a trustee to a beneficiary of an ordinary trust.
- J. A transfer for not or nominal actual consideration from trustee to successor trustee.
- K. 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 Part 2. Where the documents by which title is acquired by a grantee or statement of value filed therewith fail 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 provision.
- L. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the Pennsylvania Department of Revenue reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this Part 2.
- M. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.
- N. 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 development agency or authority.
- O. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if:

- (1) 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
  - (2) The agency or authority has the full ownership interest in the real estate transferred.
- P. A transfer by a mortgagor to the holder of a bona fide mortgage in default in lieu of 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.
- Q. 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.
- R. A transfer to a conservancy which possesses a tax-exempt status pursuant to §501(c)(3) of the Internal Revenue Code of 1954 [68A Stat. 3, 26 U.S.C. §501(c)(3)] and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.
- S. A transfer of real estate devoted to the business of agriculture to a family corporation by a member of the same family which directly owns at least 75% of each class of the stock thereof.
- T. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.
- U. A transaction where the tax due is one dollar or less.
- V. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.
2. In order to exercise any exclusion provided in this §206, 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 Part 2.

(Ord. A-4-9-1987, 4/9/1987, §6)

**§207. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof.**

Except as otherwise provided in §206 hereof, 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 Part 2, corporations and associations are entities separate from their member, partners, stockholders or shareholders.

(Ord. A-4-9-1987, 4/9/1987, §7)

**§208. Acquired Company.**

1. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company and of itself or together with prior changes has the effect of transferring, directly or indirectly, 90% or more of the total ownership interest in the company within a period of three years.
2. With respect to real estate acquired after the effective date hereof, a family farm corporation is an acquired company when, because of issuance of 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 Part 2.
3. Within 30 days after becoming an acquired company, the company shall present a declaration of acquisition to the Recorder of Deeds 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.

(Ord. A-4-9-1987, 4/9/1987, §8)

**§209. Credits Against Tax.**

1. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
2. 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.

3. 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.
4. 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.

(Ord. A-4-9-1987, 4/9/1987, §9)

### **§210. 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.

(Ord. A-4-9-1987, 4/9/1987, §210)

### **§211. 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 tax.

(Ord. A-4-9-1987, 4/9/1987, §211)

### **§212. Duties of Recorder of Deeds.**

1. 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 in and for Columbia County (hereafter referred to as "Recorder") shall be the collection agent for the local realty transfer tax, including any amount payable to the Township based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, without compensation from the Township.
2. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder shall not accept for recording such a

## TAXATION; SPECIAL

deed unless it is accompanied by a statement of value showing what taxes are due each municipality.

3. On or before the tenth of each month, the Recorder shall pay over to Township all local realty transfer taxes collected, less 2% for use of the County, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The two-percent commission shall be paid to the County.
4. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the Recorder shall rerecord the deed or record the additional realty transfer tax form only when both the state and local amounts and a rerecording or recording fee have been tendered.

(Ord. A-4-9-1987, 4/9/1987, §12)

### **§213. Statement of Value.**

Every document lodged with or presented to the Recorder 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 Part 2. 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 full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part 2.

(Ord. A-4-9-1987, 4/9/1987, §13)

### **§214. Civil Penalties.**

1. If any part of any underpayment of tax imposed by this Part 2 is due to fraud, there shall be added to the tax an amount equal to 50% of the underpayment.
2. In the case of failure to record a declaration required under this Part 2 on the date prescribed therefore, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five percent of the amount of such tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.

(Ord. A-4-9-1987, 4/9/1987, §14)

**§215. Lien.**

The tax imposed by this Part 2 shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying or being situated, wholly or in part, within the boundaries of the Township, 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 Part 2, said lien to begin at the time when the tax under this Part 2 is due and payable and to continue until discharged by payment, or in accordance with the law, and the Township's Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of the appropriate county, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 et seq., its supplements and amendments.

(Ord. A-4-9-1987, 4/9/1987, §15)

**§216. Enforcement.**

All taxes imposed by this Part 2, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

(Ord. A-4-9-1987, 4/9/1987, §16)

**§217. Regulations.**

The Recorder is charged with enforcement and collection of the tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection thereof. 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 chapter.

(Ord. A-4-9-1987, 4/9/1987, §17)





**Part 3**  
**Per Capita Tax**

**§301. Authority for Enactment.**

This Part is enacted under authority of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. §§6901 et seq. (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 12/15/1987)

**§302. “Resident” Defined.**

The word “resident,” as used in this Part, shall mean every adult 18 years or older who lives within the Township of Montour.

(Ord. 12/15/1987)

**§303. Imposition of Tax.**

Every resident shall pay \$10 for the present calendar year and each year hereafter.

(Ord. 12/15/1987)

**§304. Collection.**

All taxes, interests, costs and penalties imposed by this Part shall be collected by the Township Tax Collector.

(Ord. 12/15/1987)



## **Part 4**

### **Emergency Management and Municipal Services Tax**

#### **§401. 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:

**DISTRICT** — the area within the limits and jurisdiction of the Township of Montour, Columbia County, Pennsylvania (the "Township").

**EMERGENCY AND MUNICIPAL SERVICES TAX OFFICER or OFFICER** — the person, public employee or private agency designated by the Township to collect and administer the emergency and municipal services tax hereby imposed.

**EMPLOYER** — an individual, partnership, association, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

**FISCAL YEAR** — the twelve-month period beginning January 1 and ending December 31.

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

**INDIVIDUAL** — any person, male or female, who attains and is over the age of 18 years on the first day of January, engaged in any occupation, trade or profession within the limits of the Township.

**OCCUPATION** — any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the limits of the Township, for which compensation is charged or received by mean of salary, wages, commissions or fees for services rendered.

**TAX** — the emergency management and municipal services tax in the amount of \$47 levied by this Part.

(Ord. 11/9/2006)

#### **§402. Imposition of Tax.**

The Township Board of Supervisors hereby levies and imposes on each individual engaged in any occupation within the territorial limits of the Township during the fiscal year commencing January 1, 2007, and each fiscal year thereafter, an emergency man-

## TAXATION; SPECIAL

agement and municipal services tax. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Township, provided that all individuals deriving less than \$12,000 per year from all sources of income or who are less than 18 years of age shall be exempt from the emergency management and municipal services tax hereby levied. The emergency management and municipal services tax in the amount as herein levied is due in its entirety to the Township and is not subject to sharing with the Bloomsburg Area School District.

(Ord. 11/9/2006)

### **§403. Amount of tax.**

Beginning with the first day of January 2007, each occupation, as hereinbefore defined, engaged in within the limits of the Township shall be subject to an emergency management and municipal services tax in the amount of \$47 per annum, said tax to be paid by the individual so engaged.

(Ord. 11/9/2006)

### **§404. Duty of employers.**

Each employer within the Township, as well as those employers situated outside the Township, is hereby charged with the duty of collecting from each of his employees engaged by him and performing for him within the Township the said tax of \$47 per annum and making a return and payment thereof to the Emergency and Municipal Services Tax Officer. Further, each employer is hereby authorized to deduct this tax from each employee in his employ, whether the said employee is paid by salary, wages or commission, and whether or not part or all such services are performed within the Township. Each employer shall deduct said tax from the first pay of each such employee for each period as set forth in §406 herein, unless the tax has previously been withheld from the employee in the fiscal year by the employer or the employee provides verification to the employer that the tax has previously been withheld for a like amount in the fiscal year. In the event the tax has been withheld in an amount less than the rate of tax herein levied, then, in such event, the employer shall deduct an amount equal to the difference between the amount previously withheld in such fiscal year and the tax herein levied by the Township.

(Ord. 11/9/2006)

### **§405. Returns.**

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied by the Emergency and Municipal Services Tax Officer. It is further provided that, if the employer fails to file said return and pay said tax, whether or not he makes collection thereof from the salary, wages or commissions paid by him to said

employee, the employer shall be responsible for the payment of the tax in full as though the tax had originally been levied against him. The failure to receive notice shall not relieve the employer or any person subject to this Part from the withholding or payment of any taxes imposed by the Township, and such employer or taxpayer, as the case may be, shall be charged with the taxes as though he had received notice.

(Ord. 11/9/2006)

#### **§406. Dates for Determining Tax Liability and Payment.**

For each fiscal year, each employer shall use his employment records from January 1 to March 31, in conjunction with his employment records from April 1 to June 30, in conjunction with his employment records from July 1 to September 30, in conjunction with his employment records from October 1 to December 31, for determining the number and names of those employees from whom the said tax shall be deducted and paid over to the Emergency and Municipal Services Tax Officer. Payment of said tax, when applicable, by the aggregate earnings of an employee shall be made by the employer to the Emergency and Municipal Services Tax Officer on or before the last day of April, July, October and January for each year this tax is in force; except that, where the employer has in his/her possession emergency and municipal services taxes in excess of \$500, then, in such an event, the taxes shall be forwarded to the designated officer 30 days after the end of the month the tax was withheld, and in no event beyond the designated due dates, whichever first occurs.

(Ord. 11/9/2006)

#### **§407. Individuals Engaged in More Than One Occupation.**

Each individual who shall have more than one occupation within the Township shall be subject to the payment of this tax on his principal occupation, and his principal employer shall deduct this tax and deliver to him evidence of deduction on a form to be furnished by the employer and acceptable to the officer, which form shall be evidence of deduction having been made and, when presented to any other employer, shall be authority for such other employer to not deduct this tax from the employee's wages. However, the name of such employee shall be included in a quarterly return of the employer to the Emergency and Municipal Services Tax Officer by setting forth the name and address of such employee and the name, address and account number of the employer who actually deducted this tax.

(Ord. 11/9/2006)

#### **§408. Self-Employed Individuals.**

All self-employed individuals who perform services of any kind or type, engaged in any occupation or profession within the Township, shall be required to comply with this Part

## TAXATION; SPECIAL

and pay the tax to the Emergency and Municipal Services Tax Officer, on or before April 30 of the fiscal year, or 30 days after the month as he is engaged in an occupation subjecting him to the tax, and in no event after the designated due dates as set forth in §406 herein, whichever first occurs. The failure to receive notice shall not relieve any person subject to this Part from the payment of any taxes imposed by the Township, and such taxpayer shall be charged with the taxes as though he had received notice.

(Ord. 11/9/2006)

### **§409. Employers and Self-Employed Individuals Residing Beyond the Limits of the Township.**

All employers and self-employed individuals residing and having their place of business outside the Township but who perform services of any type or kind or engage in any occupation or profession within the Township are, by virtue thereof, bound by and subject to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the Township. Further, any individual engaged in an occupation within the Township and an employee of a nonresident employer may, for the purpose of this Part, be considered a self-employed person; and in the event this tax is not paid, the Township shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided. Each such employer and individual, as the case may be, shall be subject to the provisions of this Part as they apply to payment, reporting and any other applicable provision of this Part.

(Ord. 11/9/2006)

### **§410. Administration of Tax.**

1. It shall be the duty of the Emergency and Municipal Services Tax Officer 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.
2. The Emergency and Municipal Services Tax Officer is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of the 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 to which overpayment is claimed or found to have occurred.
3. The Emergency and Municipal Services Tax Officer is hereby authorized to examine the books and payroll 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 Emergency and Municipal Services Tax Officer the means, facilities and opportunity to examine such books and payroll of the employer and to ascertain the tax due, if any.

(Ord. 11/9/2006)

**§411. Suits for Collection.**

1. In the event that any tax under this Part remains due or unpaid for 30 days after the due date above set forth, the Emergency and Municipal Services Tax Officer may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.
2. If said tax is not paid when due, interest at the rate of six-percent per annum shall be calculated, beginning with the due date of said tax, and a penalty of 10% shall be added to the flat rate of said tax for the nonpayment thereof. Where suit is brought for the recovery of this tax, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection and reasonable attorney's fees.

(Ord. 11/9/2006)

**§412. Violations and Penalties.**

Whoever makes false and untrue statements on any return required by this Part, or who refuses inspection of the books, records and accounts in his custody and control setting forth the number of employees in his employment subject to this tax, or whoever fails or refuses to file any return required by this Part shall, upon conviction before any Magisterial District Judge, be sentenced to pay a fine of not more than \$500, and costs, for each offense, and in default of the payment of said fine and costs, be imprisoned in the Columbia County prison for a period not exceeding 30 days for each offense. It is further provided that the action to enforce the fine and penalty herein provided may be instituted against any person in charge of the business of any employer who has failed or refused to file a return required by this Part.

(Ord. 11/9/2006)





## Part 5

### Local Taxpayer's Bill of Rights

#### §501. Definitions.

The following definitions shall apply to the Local Taxpayer's Bill of Rights:

**ASSESSMENT** — the determination by a local taxing authority of the amount of underpayment by a taxpayer.

**ELIGIBLE TAXES** — includes any tax levied by the Township other than the real estate tax. The specific eligible taxes levied, collected and administered by the Township are: per capita; fire hydrant; and realty transfer. The earned income and occupation privilege taxes<sup>2</sup> levied by the district are collected and administered by Central Tax Bureau of Pennsylvania ("Central"). A separate policy with related forms pertaining to the taxes collected by Central are available from Central's office. This policy does not apply to taxes collected by Central.

**OVERPAYMENT** — any payment of eligible tax which is determined in the manner provided by law not to be legally due.

**TAXING AUTHORITY** — the Township, as well as any officer, agent, agency, clerk, collector, employee or other person whom the Township has assigned responsibility for the audit, assessment, determination or administration of an eligible tax (other than Central).

**TAXPAYER** — an individual corporation, partnership or any other entity subject to or claiming exemption from any eligible tax.

**UNDERPAYMENT** — the amount or portion of any eligible tax determined to be legally due in the manner provided by law for which payment or remittance has not been made.

(Ord. 2/11/1999, §I)

#### §502. Local Taxpayer's Bill of Rights.

1. Adoption and approval of forms. The Local Taxpayer's Bill of Rights notice, disclosure statement, information request time extension procedure notice and tax appeal information and regulations in the forms presented at this meeting are approved and adopted.<sup>3</sup>

---

<sup>2</sup> Editor's Note: The occupational privilege tax was replaced by the emergency and municipal services tax in 2006. See Part 4.

<sup>3</sup> Editor's Note: Said forms are on file in the Township office

## TAXATION; SPECIAL

2. Confidentiality of information. Any information obtained by the Township as a result of an audit, return, report, investigation, hearing or verification shall be confidential except as otherwise provided by law. If an officer, employee or agent of the Township divulges in any manner confidential information gained as a result of the foregoing, s/he shall be subject to dismissal from office or discharge from employment.
3. Time limits for response to information requests. A taxpayer shall have at least 30 days to respond to a request for information from the Township. When the Township requests information from a taxpayer, it shall simultaneously provide the taxpayer with an information request time extension procedure notice. If the taxpayer requests a reasonable extension of time to respond to any information request and states good cause, the request will be granted. The Township will not take any action against a taxpayer for the tax year in question until the expiration of the applicable response period including extensions.
4. In order to make the determinations on petitions from taxpayers relating to an assessment or refund of an eligible tax, the Township adopts the following administrative process:
  - A. Review and decision by the Township Board of Supervisors in executive session.

(Ord. 2/11/1999, §§1, 2)

## **CHAPTER 25**

### **TREES**

(See Subdivision and Land Development, Chapter 22, §406(1) and §506(2))

(Reserved to accommodate future ordinances)

## **CHAPTER 26**

### **WATER**

#### **Part 1**

##### **Stormwater Management**

###### **A. Authority, Purpose and Scope.**

**§101. Short Title**

**§102. Authority**

**§103. Purpose**

**§104. Applicability**

**§105. Compatibility With Other Legal Requirements**

###### **B. Definitions and Interpretations.**

**§111. Language Interpretation**

**§112. Definitions**

###### **C. Stormwater Management Requirements.**

**§121. General Requirements**

**§122. Stormwater Management Districts**

**§123. Stormwater Management Performance Standards**

**§124. Design Criteria for Stormwater Management Facilities**

**§125. Calculation Methodology**

**§126. Permit Requirements**

###### **D. Drainage Plan Requirements.**

**§131. General Requirements**

**§132. Exemptions**

**§133. Drainage Plan Contents**

**§134. Plan Submission**

**§135. Drainage Plan Review**

**§136. Modification of Plans**

**§137. Resubmission of Disapproved Drainage Plans**

###### **E. Inspections and As-Built Plans.**

**§141. Schedule of Inspections**

**§142. As-Built Plans**

###### **F. Fees and Expenses.**

- §151. General**
- §152. Drainage Plan Review Fee**
- §153. Expenses Covered by Fees**

**G. Maintenance and Performance Responsibilities.**

- §161. Performance Guarantee**
- §162. Maintenance Responsibilities**
- §163. Maintenance Agreement for Privately Owned Stormwater Facilities**
- §164. Municipal Stormwater Maintenance Fund**
- §165. Financial Acceptance**

**H. Enforcement and Penalties.**

- §171. Right of Entry**
- §172. Abatement of Violations**
- §173. Notification**
- §174. Public Nuisance**
- §175. Liability Disclaimer**
- §176. Penalties**
- §177. Appeals**

**Table 1**  
**Appendix**

## **Part 1**

### **Stormwater Management**

#### **A. Authority, Purpose and Scope.**

##### **§101. Short Title.**

This Part shall be known and may be cited as the “Montour Township Stormwater Management Ordinance.”

(Ord. 8/12/1999, §1.2)

##### **§102. Authority.**

This Part is enacted and ordained by the Board of Supervisors of Montour Township pursuant to the authority of the Second Class Township Code and the Pennsylvania Stormwater Management Act, Act 167 of 1978, P.L. 864.

(Ord. 8/12/1999, §1.3)

##### **§103. Purpose.**

1. Montour Township is required by the Pennsylvania Stormwater Management Act, Act No. 167 of 1978, P.L. 8644, to implement the technical standards from the Montour County adopted and DEP approved Mahoning Creek-Sechler Run Watershed Stormwater Management Plan, dated June, 1995, and enact an implementing Township Stormwater Management Ordinance for that portion of the Mahoning Creek-Sechler Run Watersheds lying within Montour Township. This Part is intended to fulfill those statutory obligations upon enactment. Accordingly, this Part is designed and intended to be in conformity with that watershed plan.
2. This Part is intended to establish controls on new developments and land uses which will protect existing properties and waterways from damage and thereby to promote health, safety and welfare within the Township through provisions designed to:
  - A. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.
  - B. Utilize and preserve the existing natural drainage systems.
  - C. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.

## WATER

- D. Maintain existing flows and quality of streams and watercourses in the Township and the Commonwealth.
- E. Preserve and restore the flood carrying capacity of streams.
- F. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Township.
- G. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

(Ord. 8/12/1999, §1.4)

### **§104. Applicability.**

- 1. This Part shall apply to all land and watercourses within the Township in conjunction with any of the regulated activities listed in this section. The following activities are defined as regulated activities and shall be regulated by this Part:
  - A. Land development of 5,000 square feet or more of impervious or semi-pervious area.
  - B. Subdivision, except for minor subdivisions where the total impervious area and semi-pervious area does not exceed 5,000 square feet for any lot.
  - C. Construction of new or additional impervious or semi-pervious surfaces (driveways, parking lots, etc.) of 5,000 square feet or more, except for minor subdivisions where the total impervious area and semi-pervious area does not exceed 5,000 square feet for each lot. Impervious surface created by long driveways for access to individual single-family homes on lots one-half acre or larger shall be exempt from the total impervious area limitation so long as the driveway drainage is effectively managed by ditches, cross-pipes, catch basins or other appropriate facilities or by ditch outlets that distribute the stormwater as relatively even non-channelized sheet flow across land in the same ownership as the new home. Alternatively, if the land adjacent to the long driveway is in different ownership, but discharge of driveway drainage can be achieved without detriment to that property and without creating any safety hazard, the person developing the home with the long driveway may present to the Township an executed agreement with the adjacent property owner(s) which gives permission for such stormwater discharge to qualify for the exemption.
  - D. Construction of new buildings or additions to existing buildings of 5,000 square feet or more.



- E. Diversion or piping of any natural or man-made stream channel, except the placement of a road culvert pipe in an established stream or a temporary crossing for forest management operations or agricultural activities.
  - F. Installation of permanent stormwater management facilities or appurtenances thereto.
  - G. Alteration or addition to a previously constructed permanent stormwater management facility or device whether previously approved or permitted under this Part or not.
- 2. This Part shall only apply to permanent stormwater management facilities constructed as part of a stormwater management plan. Erosion and sedimentation controls during construction activities are specifically not regulated by this Part but shall continue to be regulated under existing laws and ordinances.
  - 3. This Part shall provide for and endeavor to maintain the existing flows and quality of streams and water courses in the Township, preserve and restore the flood carrying capacity of streams, establish criteria for the design, installation and proper maintenance of all permanent stormwater management structures which are constructed pursuant to this Part and, to the extent practical, assure that the peak rate of run-off is no greater after development than prior to development or changes in land use.
  - 4. This Part contains only the stormwater management performance standards and design criteria that are necessary or desirable from a watershed wide perspective and which must be utilized for design of stormwater facilities in conjunction with land developments or other regulated activities. Site-specific stormwater management design criteria (e.g., inlet location, inlet type, collection system details, outlet structure placement, etc.) shall continue to be regulated by Chapter 22 of the Montour Township Code of Ordinances or other applicable provisions thereof. Site-specific features, subdrainage areas and land cover details will be required for a land development which is not regulated by said Chapter 22.

(Ord. 8/12/1999, §1.5; as amended by Ord. 2/9/2006)

#### **§105. Compatibility With Other Legal Requirements.**

Approvals issued pursuant to this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable Federal, State, County, or Township law, regulations, code, rule, act or ordinance. All landowners, developers or other responsible persons engaged in the development of land are required by §13 of the Pennsylvania Stormwater Act to:

- A. Assure that runoff after development is no greater than before development.

## WATER

- B. Manage the quantity, velocity and direction of resulting runoff in a manner which adequately protects health, safety and property.

(Ord. 8/12/1999, §1.6)

## **B. Definitions and Interpretations.**

### **§111. Language Interpretation.**

For the purposes of this Part, and unless the context otherwise requires, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular, the word “structure” shall include the word “building”; the word “used” shall include “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” “leased,” or “intended to be used”; and the word “shall” is mandatory and not optional. The word “person” shall mean any individual, group of individuals, members of a partnership, company, corporation, the officers, members, servants and agents of an association, trust, institution, cult, cooperative enterprise, or sect and the officers of Montour Township, Columbia County, Pennsylvania, or officers of Columbia County, Pennsylvania. The words “used” or “occupied” include the words “intended, designed, maintained or arranged to be used or occupied. In any provisions of this Part prescribing a procedure, requirement, fine, penalty, imprisonment or combination thereof, the term “person” shall include the officers and directors of any corporation or legal entity having officers and directors and the requirements or effects and responsibilities imposed herein shall apply individually and collectively.

(Ord. 8/12/1999, §2.1)

### **§112. Definitions.**

All words and terms not defined herein shall be used with a meaning of standard usage.

**ACCELERATED EROSION** — the removal of the surface of the land through the combined action of man’s activities and natural processes at a rate greater than would occur because of the natural processes alone.

**ADVERSE IMPACT** — any deleterious effect on surface waters or groundwater or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human use or consumption or natural uses which are or may potentially be harmful or injurious to human health, safety, general welfare, property, to biological productivity, diversity or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**ALLUVIAL SOILS** — those soils customarily associated with historical floodplains, typically coarse and unconsolidated gravel and sand, delineated pursuant to the Columbia County, Pennsylvania Soil Survey, as prepared and periodically updated or supplemented by the United States Department of Agriculture.

## WATER

**ALTERATION** — as applied to land, a change in topography as a result of excavating or moving soil and rock from one location to another, also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

**APPLICANT** — a landowner or landowner's agent or developer who has filed an application for development approval or approval to engage in any activities regulated under this Part, including heirs, successors and assigns.

**BASEFLOW** — that portion of stream flow which is not due to storm runoff and is supported by groundwater seepage into a channel.

**BMP** — Best Management Practices, in the design and application of stormwater structures, facilities and nonstructural solutions or managerial practices, or a combination thereof, to maintain or improve the water quality of surface runoff; structural may include but are not limited to basins or seepage pits; nonstructural may include, but are not limited to vegetated filter strips, riparian forest buffers; managerial practices may include, but are not limited to, maintenance techniques.

**BIOFILTRATION** — the use of a series of vegetated swales to provide filtering treatment for stormwater as it is conveyed through the channel or buffer strips of land to filter storm runoff during overland flow. The swales may be but are not limited to grass, emergent wetlands or high marsh plants.

**BUFFER STRIPS** — strips of grass or other close growing vegetation used to separate a waterway from an intensive land use area to trap or filter sediments from the storm runoff.

**CISTERN** — an underground reservoir or tank for storing rainwater.

**CHANNEL** — a perceptible natural or man-made waterway which periodically or continuously contains moving water having a definite bed and banks which confine the flow of water.

**CHECK DAM** — a log or gabion structure placed perpendicular to a stream to enhance aquatic habitat; an earthen or log structure used in grass swales to reduce water velocities, promote sediment deposition and enhance filtration.

**CLEARING** — the removal of trees, brush or other vegetative cover from the land but shall not mean the ordinary mowing of grass or pasture land or the cutting of fields to control weeds and brush.

**CLOSED OR UNDRAINED DEPRESSION** — in Karst geologic conditions a distinct bowl shaped depression in the land surface; size and amplitude are variable; drainage is internal with no perceivable opening in the land surface (i.e., sinkhole).

**CONSERVATION DISTRICT** — the Columbia County Conservation District.

**CONTRIBUTING AREA** — that drainage area which flows toward and through or into a given development site but excluding runoff from that site itself.

**CULVERT** — a pipe, conduit or similar structure, including appurtenant works, which carries surface water under or through an embankment, fill or roadbed.

**DAM** — an artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

**DESIGN STORM** — the magnitude of precipitation from a storm event measured in probability of occurrence (e.g., twenty-five-year storm) and duration (e.g., twenty-four-hour) used in computing and designing stormwater management control systems.

**DETENTION BASIN** — an impoundment structure designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined and designed rate, which drains completely after a storm event and is not intended to create a permanent pool of water.

**DEVELOPER** — any landowner, agent of such landowner, lessee or tenant with permission of such landowner, whether an individual person, partnership, association, corporation, cult, sect or other entity, who makes or causes to be made a subdivision of land or land development.

**DEVELOPMENT SITE** — the specific tract or parcel of land for which a regulated activity is proposed.

**DIVERSION TERRACE** — a channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and divert runoff from slopes which are subject to erosion.

**DRAINAGE AREA** — area of land contributing run-off to a single point measured in a horizontal plane, which is enclosed by higher ground or a ridgeline.

**DRAINAGE EASEMENT** — a grant by a landowner to a grantee, of the right to use the landowner's land for stormwater management purposes, defined by a plotted centerline and designated width and including the right of access by the grantee to maintain the watercourse, prohibiting the blockage of the watercourse or other uses by the grantee(s) inconsistent with the drainage rights granted; preferably recorded in the Office of the Columbia County Recorder of Deeds.

**DRAINAGE PLAN** — the documentation of the stormwater management system, if any, to be used for a given development site, the required contents of which are established in this Part.

**ENGINEER** — professional engineer registered with the Commonwealth of Pennsylvania.

## WATER

**EROSION** — the removal of soil particles by action of water, wind, ice or other geologic agents.

**EVAPOTRANSPIRATION** — the combined loss or movement of moisture from the earth surface through evaporation and the release of moisture by plants.

**FLOOD** — a temporary inundation of normally dry land areas.

**FLOOD, ONE-HUNDRED-YEAR** — a flood that in the average is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year, although the flood may occur in any year.)

**FLOODPLAIN** –

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODWAY** — the channel and those portions of the adjoining floodplains which are reasonably required to carry and discharge the one-hundred-year frequency flood. Unless otherwise specified the boundary of the floodway is as indicated on maps and flood insurance studies for the Township. In an area where no flood insurance studies have defined the boundary of the one-hundred-year frequency floodway it is assumed, absent evidence to the contrary, that the floodway extends from the stream overland to 50 feet beyond the top of the bank of the stream.

**FOREST MANAGEMENT OPERATIONS** — all activities connected with growing and harvesting of forest products, including the site preparation, cultivation, and logging of trees, and the construction and maintenance of access and haul roads.

**FREEBOARD** — a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watersheds.

**GEOLOGIC FORMATION** — the basic or fundamental rock stratigraphic unit in the local classification of rocks, consisting of a body of rock (usually a sedimentary stratum or strata) having some degree of homogeneity or similar features, used in mapping the geology of an area.

**GRADING** — any act by which soil is cleared, stripped, stockpiled, scarified, filled or any combination thereof for the purpose of changing the natural slope

**GROUNDWATER RECHARGE** — replenishment of existing natural underground water supplies by process of stormwater infiltration into the soil or geologic cavities.

**IMPERVIOUS AREA** — impervious surfaces, such as pavement or rooftops, which prevent the infiltration of water into the soil; the cumulative total area of all impervious surfaces in a given development proposal.

**IMPERVIOUS SURFACE** — a surface which prevents the percolation of water into the ground.

**INFILTRATION STRUCTURE** — a structure designed to direct runoff into the ground such as french drains, seepage pits or seepage trenches.

**INTERCEPTION** — precipitation which is retained by the leaves and stems of vegetation.

**KARST** — a type of topography that is formed over limestone, dolomite or gypsum by bedrock solution and that is characterized by closed depressions or sinkholes, caves and underground drainage.

**LAND DEVELOPMENT** — the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- (3) A (division) subdivision of land (into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation).

**LAND DISTURBANCE** — any activity involving grading, tilling, digging or filling of ground or stripping of vegetation or any other activity which causes land to be exposed to erosion.

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

## WATER

**LEVEL SPREADER** — a device used to spread out stormwater runoff uniformly over the ground surface as sheet flow (i.e., not through channels) for the purpose of preventing concentrated, erosive flows and to enhance infiltration.

**LOW FLOW CHANNEL** — an incised or paved channel from inlet to outlet in a dry basin which is designed to carry low runoff flows and/or base flow directly to the outlet without detention.

**MUNICIPALITY** — the Township of Montour, Columbia County, Pennsylvania.

**NRCS** — Natural Resources Conservation Service of the United States Department of Agriculture; formerly the SCS (Soil Conservation Service).

**OFF-SITE STORMWATER MANAGEMENT** — the design and construction of facilities necessary to control stormwater runoff from more than one development.

**ONSITE STORMWATER MANAGEMENT** — the design and construction of systems and facilities to control stormwater within an immediate or proposed development.

**OPEN CHANNEL** — a drainage element in which stormwater flows with an open surface, including but not limited to natural and manmade watercourses, swales, rills, runs, streams, ditches and canals.

**PA DEP** — Pennsylvania Department of Environmental Protection; formerly PA DER.

**PEAK DISCHARGE** — the maximum rate of flow of stormwater at a given point and time resulting from a specified storm event.

**PIPE** — a culvert, closed conduit or similar structure (including appurtenances) that conveys stormwater.

**POROUS PAVING** — an open graded asphalt or reticular concrete, geosynthetic interlocking block or web structural system or other material which allows water to pass through and infiltrate into the ground.

**PMF (PROBABLE MAXIMUM FLOOD)** — the flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in an area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

**REGULATED ACTIVITIES** — actions or proposed actions that would have an impact on stormwater runoff flow pattern, volume, rate and/or velocity that are to be controlled under this Part.

**RELEASE RATE** — the percentage of the predevelopment peak discharge of runoff from a subarea to which the postdevelopment peak discharge must be reduced to protect downstream areas.



**RETENTION** — the holding of runoff in a basin without release, except by means of evaporation, infiltration or emergency bypass.

**RETENTION BASIN** — a basin in which the runoff from a given storm event is stored and is not discharged into the downstream drainage system during the storm event; a pool of water is retained.

**RETURN PERIOD** — the average interval, in years, within which a storm of a given magnitude can be expected to recur.

**RUNOFF** — that part of precipitation which flows over the land and is not absorbed into the ground.

**RUNOFF CHARACTERISTICS** — The surface components of a watershed including, but not limited to, vegetation, slopes and manmade alterations to the surface that affect the rate, amount and direction of stormwater runoff.

**SCS** — U.S. Department of Agriculture, Soil Conservation Service (now NRCS – Natural Resources Conservation Service).

**SEDIMENTATION** — the process by which mineral and/or organic matter is transported and deposited by the action of water, wind, ice or gravity as a product of erosion.

**SEDIMENT BASIN** — a barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt or other water transported material.

**SEEPAGE PIT/SEEPAGE TRENCH** — an excavated area filled with loose rocks or stone or similar material into which surface water or roof runoff is directed for infiltration into the ground.

**SHEET FLOW** — runoff which flows over the ground surface as a thin even layer not concentrated in a channel.

**SEMIPERVIOUS SURFACE** — a surface which limits the percolation of water into ground, such as a compacted stone driveway.

**SEMI-PERVIOUS AREA** — the cumulative total area of all semi-pervious surfaces in a given development proposal.

**SINKHOLE** — a localized, gradual or rapid sinking of the land surface to a variable depth occurring in areas of carbonate bedrock; generally characterized by a roughly circular outline, a distant breaking or cracking of the ground surface and downward movement of the soil into bedrock voids.

**SOIL-COVER COMPLEX METHOD** — a method of runoff computation developed by the SCS that is based on relating soil type and land use/cover to a runoff parameter

## WATER

called a curve number (CN) as explained in the SCS publication "Urban Hydrology for Small Watersheds," Technical Release No. 55, as revised.

**SPILLWAY** — a depression in the embankment of a basin or pond that is used to pass peak discharges greater than the maximum design storm controlled by the basin or pond.

**STABILIZATION** — the prevention of soil movement by any of the various structural means.

**STORM SEWER** — a system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters or drainage but excludes domestic sewage and industrial wastes.

**STORMWATER** — the drainage runoff from the surface of the land resulting from precipitation, snow or ice melt.

**STORMWATER MANAGEMENT** — for quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land. For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

**STORMWATER MANAGEMENT FACILITY** — any structure, natural or manmade, that, due to its condition, location, design or construction, conveys, stores or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, level spreaders, storm sewer pipes, seepage trenches and infiltration structures.

**STORMWATER MANAGEMENT PLAN** — for a watershed, the plan for managing runoff in a named watershed adopted by the Columbia County Commissioners and/or the Montour County Commissioners as required by Act 167 of 1978, P.L. 864, known as the Pennsylvania Stormwater Management Act.

**STORMWATER MANAGEMENT SYSTEM** — for quantitative control, a system of vegetative and structural measures that together control the increased volume and rate of surface runoff caused by manmade changes to the land, including any structure, natural or manmade, that, due to its condition, location, design or construction, conveys, stores or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, level spreaders, storm sewer pipes, seepage trenches and infiltration structures. For qualitative control, a system of vegetative, structural and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

**STREAM ENCLOSURE** — a bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

SUBAREA — the smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan for a given watershed.

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

SWALE — a low-lying vegetated stretch of land or wide shallow ditch, either grass or paved, which collects and carries surface water runoff.

TOPOGRAPHY — the general configuration of a land surface or any part of the earth's surface, including its relief and position of its natural and manmade features.

TOWNSHIP — the Township of Montour, Columbia County, Pennsylvania. For purposes of this Part, actions or decisions shall be official upon authorization by the Board of Township Supervisors.

USDA — the United States Department of Agriculture.

WAIVER — the determination by the Board of Township Supervisors upon recommendation by the Township Planning Commission that a particular requirement or design standard is not necessary given the site-specific conditions and proposed development or land use; or that such requirement or design standard may be modified for that particular site and development or land use without detriment to the intent and purpose of this Part.

WATER COURSE — a channel or conveyance of surface water having defined bed and banks, natural or artificial, with perennial or intermittent flow.

WATERSHED — the entire region or area drained by a river or other body of water, whether natural or artificial; a drainage basin or subbasin.

WETLAND — those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas and may be identified by hydrology, hydric soils and hydrophytic vegetation.

(Ord. 8/12/1999, §2.2)



**C. Stormwater Management Requirements.**

**§121. General Requirements.**

From and after the effective date of this Part, a stormwater management system and drainage plan, along with all other required information and processing fee, shall be prepared and submitted to the Township for all regulated activities.

- A. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Part.
- B. The existing points of concentrated drainage that discharge onto adjacent property shall not be relocated and shall be subject to any applicable release rate criteria specified in this Part.
- C. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
- D. Where a development site is traversed by watercourses or streams, a drainage easement shall be provided conforming substantially to the line of such watercourses or streams. The terms of the easement shall prohibit excavation, the placing of fill or structures and any alterations that may affect adversely the flow of stormwater within any portion of the easement. Also, maintenance and mowing of vegetation within the easement shall be required.
- E. Any stormwater management facilities regulated by this Part that would be located on State highway rights of way shall be subject to approval by the Pennsylvania Department of Transportation (PA DOT).
- F. Any stormwater management facilities regulated by this Part that would be located in, or adjacent to, waters of the Commonwealth or potential wetlands shall be subject to approval by PA DEP through the joint permit application process, or, where deemed appropriate by PA DEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the developer or his agent to show that the land in question cannot be classified as wetlands otherwise approval to work in the area must be obtained from PA DEP.

## WATER

- G. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PA DEP through the joint permit application process, or, where deemed appropriate by PA DEP, through the general permit process.
- H. Stormwater resulting from land development activities shall not be discharged into sinkholes.
- I. For design purposes the predevelopment runoff rate shall be presumed to be meadow unless the site-specific ground cover is confirmed onsite and different runoff rate is approved by the Township Engineer.

(Ord. 8/12/1999, §3.1)

### **§122. Stormwater Management Districts.**

#### 1. Districts

- A. For the purposes of managing stormwater within Montour Township the Township is hereby divided into the following stormwater management districts:
  - (1) Stormwater District 1 — Mahoning Creek Watershed
  - (2) Stormwater District 2 — Sechler Run Watershed
  - (3) Stormwater District 3 — remainder of Montour Township.
- B. The location and boundaries of the stormwater management districts are shown on the map in the Appendix.

(Ord. 8/12/1999, §3.2)

### **§123. Stormwater Management Performance Standards.**

#### 1. District Standards.

- A. All regulated activities occurring within Stormwater District 1 shall comply with the Mahoning Creek-Sechler Run Watershed Stormwater Management Plan, dated June, 1995, and all other applicable provisions of this Part.
- B. All regulated activities occurring within Stormwater District 2 shall comply with the Mahoning Creek-Sechler Run Watershed Stormwater Management Plan, dated June, 1995, and all other applicable provisions of this Part.

- C. All regulated activities occurring within Stormwater District 3 shall comply with all other applicable provisions of this Part and shall:
  - (1) Assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities for the two-, ten-, twenty-five- and fifty-year storms.
  - (2) Manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
- 2. General Standards. The following general standards shall be applied to all development within Montour Township to promote flow attenuation, erosion and sediment control and flood control.
  - A. The developer of any development in the Township, unless exempted in §132 of this Part, shall submit a drainage plan consistent with the provisions of this Part to the Township for review and approval.
  - B. Runoff from impervious areas shall be drained to pervious areas of the property, unless a direct stream discharge or storm sewer connection is possible without adverse effect, and unless a drainage easement is granted by an adjacent property owner.
  - C. Roof drains and sump pumps shall not be connected to sanitary sewers, septic systems, streets or roadside ditches.
  - D. Runoff from the site shall not be concentrated nor shall increased runoff be discharged onto adjacent property without the written consent of the adjacent land owners in the form of a drainage easement.
  - E. Impervious surface shall include, but not be limited to, any roof, parking or driveway areas and any new streets or sidewalks. Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious for the purpose of comparison to the exemption criteria in §132 of this Part.
  - F. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, porous paving, etc. are encouraged, where soil conditions permit, to reduce the size or eliminate the need for detention facilities.
  - G. It shall be the responsibility of the Township Engineer to determine whether site specific soil conditions permit the use of infiltration practices.
- 3. Stormwater Control Standards.
  - A. Stormwater District 1 – Mahoning Creek Watershed

## WATER

- (1) Fifty-year post-development flow is to be reduced to the fifty-year pre-development flow.
- (2) Two-year post-development flow is to be reduced to the one year pre-development flow.

### B. Stormwater District 2 – Sechler Run Watershed

- (1) Fifty-year post-development flow is to be reduced to the twenty-five-year predevelopment flow.
- (2) Twenty-five-year post-development flow is to be reduced to the ten-year predevelopment flow.
- (3) Two-year post-development flow is to be reduced to the year predevelopment flow.

### C. General District 3 – remainder of Montour Township

- (1) Two-, ten-, twenty-five- and fifty-year postdevelopment flow is to be reduced to predevelopment levels.

(Ord. 8/12/1999, §3.3)

## **§124. Design Criteria for Stormwater Management Facilities.**

1. Any stormwater management facilities required or regulated by this Part shall be designed to meet the performance standards set forth in §122 of this Part.
2. The height of the settled embankment shall be set to provide a minimum one foot of freeboard above the maximum pool elevation when the facility functions for design storm post development inflow. Should any stormwater management facility require a dam safety permit under 25 Pa. Code, Chapter 105, the facility shall be designed in accordance with Part and meet the regulations of Chapter 105 concerning dam safety.
3. Any facilities that constitute waterway obstructions (e.g., culverts, bridges, outfalls or stream enclosures) and any work involving wetlands as described in 25 Pa. Code, Chapter 105 regulations (as amended or replaced from time to time by PA DEP), shall be designed in accordance with Chapter 105 and will require a permit from PA DEP. Any other drainage conveyance facility that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the ten-year design storm with a minimum one foot of freeboard measured below the lowest point along the top of the roadway. Roadway crossings located within designated floodplain areas must be able to convey runoff from a one-hundred-year design storm with a minimum one foot of



freeboard measured below the lowest point along the top of roadway. Any facility that constitutes a dam as defined in 25 Pa. Code, Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PA DOT right-of-way must meet PA DOT minimum design standards and permit submission requirements.

4. Storm sewers must be able to convey postdevelopment runoff from a ten-year design storm without surcharging inlets.
5. Storm sewer inlet spacing and road cross section design must ensure that postdevelopment runoff resulting from a ten-year design storm does not flood more than 1/2 of a driving lane.
6. Easements along open channels shall be provided. The minimum width of the required easement shall be equal to the width of the one-hundred-year water surface (for postdevelopment conditions), including a minimum one foot of freeboard or 20 feet, whichever is greater.
7. For development sites that would be located in two or more subareas the applicable release rate for the portions of the site located in different subareas shall be based on natural subarea drainage boundaries. The natural drainage boundaries between subareas shall not be modified, nor shall drainage from a development site be diverted or otherwise conveyed from one subarea to another, except where runoff naturally crosses subarea drainage boundaries.
8. For any development site the developer has the option of discharging postdevelopment runoff at a higher rate than predevelopment runoff if the developer can prove that no harm would be caused to any person or property located upstream or downstream of the development site. The developer must assume that the entire subarea in which the site is located is developed. The type and amount of development that the developer must consider shall be based on the maximum amount of imperviousness which can be reasonably anticipated under current zoning. Proof that no harm would be caused must be demonstrated in conformance with the hydraulic capacity criteria specified in this Part. Areas that drain through documented drainage problem areas are precluded from utilizing this provision, based on peak runoff increases, except where hydraulic capacity improvements are to be provided consistent with this Part.
9. Regional or Sub-Regional Stormwater Management Facilities. The funding for any regional or sub-regional stormwater management alternatives are the responsibility of prospective developers. The design of any regional stormwater management facilities prospective developers. The design of any regional stormwater management facilities must assume development of the entire area that would drain to the regional facility. When regional or subregional stormwater management facilities are utilized, the effect of all phased growth on stormwater runoff flows must be considered. At no time from the initial phase through ultimate development shall the peak runoff flows exceed the predevelopment peak multiplied by the applicable release rate.

## WATER

10. If the developer can prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the existing drainage network the adequate capacity improvements may be provided by the developer in lieu of stormwater management facilities on the development site. Any capacity improvements shall be designed based on development of all areas tributary to the improvement and the capacity criteria specified in this Part. The type and amount of development that the developer must consider shall be based on the maximum amount of imperviousness which can be reasonably anticipated under current zoning. It shall be assumed that all new development upstream of a proposed capacity improvement would implement applicable stormwater management techniques, consistent with this Part.
11. Adequate erosion protection shall be provided along all open channels and at all points of discharge.
12. The design of all stormwater management facilities shall incorporate sound engineering principles and best management practices. The Township reserves the right to disapprove any design that would result in the occurrence or perpetuation of an adverse hydrologic or hydraulic condition within the watershed.

(Ord. 8/12/1999, §3.4)

### **§125. Calculation Methodology.**

1. Any stormwater runoff calculations involving drainage areas greater than 20 acres, including on and off site areas, shall use any generally accepted calculation technique that is based on the SCS (now NRCS) Soil Cover Complex Method. Table 1 below summarizes acceptable computation methods. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site. The Township Engineer may approve the use of the rational method to estimate peak discharges from drainage areas that contain less than 20 acres.
2. The design of any stormwater detention facilities intended to meet the performance standards of this Part shall be verified by routing the design storm hydrograph through these facilities using the Storage Indication Method or Modified Puls Routing System. For drainage areas greater than 20 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Township Engineer may approve the use of any generally accepted full hydrograph approximation technique which uses a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
3. All calculations consistent with this Part using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms presented in the references in the Appendix of this Part. If a hydrologic

computer model such as PSRM or HEC 1 is used for stormwater runoff calculations then the duration of rainfall shall be 24 hours.

4. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods from the design storm curves in the references in the Appendix of this Part. Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, SCS, TR 55 (as amended or replaced from time to time by SCS, now NRCS). Times of concentration for channel and pipe flow shall be computed using Manning's equation.
5. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained in the references in the Appendix of this Part, with adjustments in accordance with TR 55 methods.
6. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained in the references in the Appendix of this Part.
7. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes and storm sewers. Where nonuniform flow is anticipated the hydraulic effects of backwater caused by hydraulic obstructions (e.g., culverts, bridges, dams, reservoirs etc.) shall be evaluated using the Standard Step Method for determining water surface profiles. Values for Manning's roughness coefficient (n) shall be consistent with the references in the Appendix of this Part.
8. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this part using any generally accepted hydraulic analysis technique or method.

(Ord. 8/12/1999, §3.5)

#### **§126. Permit Requirements.**

1. **Permits Required.** Unless specifically exempted hereunder, and except for minor repairs, no stormwater management facility or structure shall be erected, constructed, reconstructed, extended, moved, demolished or removed until a stormwater permit has been secured from the Code Enforcement Officer in accordance with this Part.
2. **Permit Approval.** If the plans and specifications set forth by the applicant in the application are in conformity with this Part and all other applicable statutes, the Code Enforcement Officer shall issue a permit. If a stormwater permit is denied, the Code Enforcement Officer shall state such denial, in writing, with the cause(s) and shall mail notice of such denial to the applicant at the address indicated on the application within 90 days following submission of the completed application.

## WATER

The Code Enforcement Officer shall grant or deny the permit only after the Township Engineer has approved the drainage plan.

3. Application Requirements. The complete application for a stormwater permit shall consist of the application form provided by the Township, executed in its entirety and duly executed, together with the drainage plan, including all applicable calculations, maps and plans with specifications.
4. Life of a Permit. Any construction requiring a stormwater permit shall be completed within one year from date of issuance of the permit unless part of a staged stormwater management system approved for a multi-year completion schedule in conjunction with related subdivision or land development. However, the permit may be extended annually without payment of additional fees for an aggregate period of not more than three years; provided, the construction pursuant to said permit has commenced within the first one-year period.

(Ord. 8/12/1999, §3.6)

**D. Drainage Plan Requirements.**

**§131. General Requirements.**

1. For any of the activities regulated by this Part, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit or the commencement of any land disturbance activity may not proceed until the property owner or developer or his her agent has received written approval of a drainage plan from the Township.
2. Drainage plans shall be impressed or legibly stamped with the professional seal of the design professional responsible for the total drainage plan.

(Ord. 8/12/1999, §4.1)

**§132. Exemptions.**

No exemption shall be provided for regulated activities as defined in §105 of this Part unless specifically exempted in this Section.

- A. Any regulated activity that would create 5,000 square feet or less of impervious area is exempt from the drainage plan preparation provisions of this Part. This criterion shall apply to the total development even if development is to take place in phases. The date of the appropriate official County plan adoption shall be the starting point from which to consider tracts as “parent tracts” in which future subdivision and respective impervious area computations shall be cumulatively considered. Exemption shall not relieve the applicant from providing adequate stormwater management to meet the purpose of this Part and the requirements of the Pennsylvania Stormwater Management Act.
- B. Land disturbance associated with existing or new one and two family dwellings, subject to the limitations described in Subsection A of this section, is exempted. Long driveways for one-family dwellings are exempted so long as the lot area and topography allow for natural drainage of driveway runoff without causing damage or risk to adjacent properties. In order to qualify for such exemptions the landowner, developer or other responsible person shall demonstrate to the satisfaction of the Township that drainage easements have been secured from all affected landowners along the path of the uncontrolled flow, and further, that such drainage easements have been officially recorded with the Columbia County Recorder of Deeds.
- C. Use of land for gardening for home consumption is exempted.
- D. Agriculture, when operated in accordance with a conservation plan or erosion and sedimentation control plan found adequate by the Conservation

## WATER

District or NRCS in accordance with Chapter 102 regulations, is exempted. The agricultural activities such as growing crops, rotating crops, filling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this Part when such activities are conducted in accordance with a conservation plan found adequate by the Conservation District in accordance with Chapter 102 regulations.

- E. Forest management operations conducted in accordance with the Pennsylvania Department of Environmental Protection's management practices contained in its publication Soil Erosion and Sedimentation Control Guidelines for Forestry and operated under an erosion and sedimentation control plan are exempted.

(Ord. 8/12/1999, §§4.2)

### **§133. Drainage Plan Contents.**

The drainage plan shall consist of all applicable calculations, maps and plans. Notations on the maps shall refer to the associated computations and erosion and sedimentation control plan by title and date. The cover sheet of the computations and erosion and sedimentation control plan shall refer to the associated maps by title and date. All drainage plan materials shall be submitted to the Township in a format that is clear, concise, legible, neat and well organized; otherwise, the drainage plan shall be disapproved and returned to the developer.

1. The following items shall be included in the drainage plan:
  - A. General
    - (1) General description of project and proposed land use and development.
    - (2) General description of permanent stormwater management techniques including construction specifications and materials specifications to be used for stormwater management facilities.
    - (3) Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
  - B. Map(s) of the project area shall be submitted on twenty-four-inch by thirty-six-inch or thirty-inch by forty-two-inch sheets and shall be prepared in a form that meets the requirements for recording the offices of the Recorder of Deeds of Columbia County. The contents of the map(s) shall include, but not be limited to:
    - (1) The location of the project relative to adjacent tax parcels, highways, municipalities or other identifiable landmarks.

- (2) Existing contours at intervals of two feet. In areas of steep slopes (greater than 15%) five foot contour intervals may be used.
- (3) Existing streams, lakes, ponds or other bodies of water within the project area.
- (4) Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, areas of natural vegetation to be preserved and the total extent of the upstream area draining through the site.
- (5) The locations of all existing and proposed utilities, sanitary sewers and water lines on the site and within 50 feet of property lines, and any right-of-way or easement.
- (6) An overlay showing soil names and boundaries.
- (7) Proposed changes to the land surface and vegetative cover including the type, location and amount of impervious area that would be added.
- (8) Proposed structures, roads, paved areas and buildings.
- (9) Final contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
- (10) The name of the development, the name and address of the owner of the property and the name of the individual or firm preparing the plan.
- (11) The date of submission.
- (12) A graphic and written scale of one inch equals no more than 50 feet; for tracts of 20 acres or more, the scale shall be one inch equals no more than 100 feet.
- (13) A north arrow.
- (14) The total tract boundary and size with courses and distances marked to the nearest foot and bearings to the nearest degree.
- (15) Existing and proposed land use(s), with the proposed use(s) distinctly labeled.
- (16) A key map showing all existing manmade features beyond the property boundary that would be affected by the project.

## WATER

- (17) Horizontal and vertical profiles of all open channels, including hydraulic capacity.
- (18) Overland drainage paths.
- (19) An access easement, 20 feet in width, around all stormwater management facilities so as to provide ingress to and egress from such facilities from a public right of way.
- (20) A note on the plan indicating the location and responsibility for stormwater management facilities that would be located offsite. All offsite facilities shall meet the performance standards and design criteria specified in this Part.
- (21) A construction detail of any improvements made to sinkholes and the location of all notices to be posted as specified in this Part.
- (22) A statement, signed by the landowner, acknowledging the stormwater management system to be a permanent fixture that can be altered or removed only after approval of a revised plan by the Township.
- (23) The following signature blocks for the Township:

The Montour Township Engineer on this date \_\_\_\_\_, has reviewed and hereby certifies that this drainage plan meets all design standards and criteria required by this Part.

The Montour Township Planning Commission on this date \_\_\_\_\_, has reviewed and hereby recommends to the Board of Supervisors that this drainage plan be approved \_\_\_\_\_ disapproved \_\_\_\_\_.

The Montour Township Board of Supervisors on this date \_\_\_\_\_ has approved \_\_\_\_\_ disapproved \_\_\_\_\_ this drainage plan.

- (24) The location of all erosion and sedimentation control facilities.

### C. Supplemental Information

- (1) A written description of the following information shall be submitted.
  - (a) The overall stormwater management concept for the project.
  - (b) Stormwater runoff computations as specified in this Part.
  - (c) Stormwater management techniques to be applied both during and after development
  - (d) Expected project time schedule.



- (2) A soil erosion and sedimentation control plan, including all reviews and approvals, as required by PA DEP.
- (3) A geologic assessment of the effects of runoff on sinkholes as specified in this Part.
- (4) The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
- (5) A declaration of adequacy and highway occupancy permit from the PA DOT District Office when utilization of a PA DOT storm drainage system is proposed.

D. Stormwater Management Facilities.

- (1) All stormwater management facilities must be located on a map and be described in detail.
- (2) When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
- (3) All calculations, assumptions and criteria used in the design of the stormwater, management facilities must be shown or noted.

(Ord. 8/12/1999, §4.3)

**§134. Plan Submission.**

For all activities regulated by this Part, the steps below shall be followed for submission. For any activities that require a PA DEP Joint Permit Application and are regulated under Pa. Code, Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management), require a PA DOT Highway Occupancy Permit, or require any other permit under applicable State or Federal regulations, the permit(s) shall be part of the plan.

- A. The drainage plan shall be submitted by the developer as part of the preliminary plan submission for the regulated activity.
- B. Ten copies of the drainage plan shall be submitted to the Township Secretary, accompanied by the requisite Township review fee, as specified in the Township Fee Resolution.
- C. Distribution of the drainage plan will be as follows:

## WATER

- (1) One copy to each Township Planning Commission member (total of five)
  - (2) One copy to the Township Engineer.
  - (3) One copy to the County Planning Commission.
  - (4) One copy to the Township Solicitor.
  - (5) Two copies to the Township Supervisors.
- D. Where the Township Secretary determines that an adjacent municipality or a government agency may be affected by a proposed drainage plan additional copies of the plan may be required and shall be transmitted to the affected municipality or agency, together with instructions on contact person and deadline for review and comment.

(Ord. 8/12/1999, §4.4)

### **§135. Drainage Plan Review.**

1. The Township shall review the drainage plan for consistency with the requirements of this Part and any other applicable Township ordinance or requirement. The Township shall require receipt of a complete plan, as specified in this Part.
2. The Township Engineer shall review the drainage plan for consistency with this Part. Should the drainage plan be determined to be inconsistent with this Part, the Township Engineer will forward a written determination and recommendation for disapproval to the Township Supervisors. The Township shall decide whether to approve or disapprove the drainage plan and send a written decision to the developer citing the reason(s) for the disapproval within 90 days from the receipt of a complete drainage plan and review fee. Any disapproved drainage plans may be revised by the developer and resubmitted consistent with this Part.
3. For regulated activities specified in §105 of this Part, the Township shall notify the Township Code Enforcement Officer in writing whether the drainage plan is consistent with this Part and forward a copy of the approval or disapproval letter to the developer. Any disapproved drainage plan may be revised by the developer and resubmitted consistent with this Part.
4. For regulated activities requiring a PA DEP joint permit application, the Township shall notify PA DEP whether the drainage plan is consistent with this Part and forward a copy of the review letter to the DEP and the developer.
5. The Township shall not approve any subdivision or land development for regulated activities specified in §105 of this Part if the drainage plan has been found to be inconsistent with this Part, as determined by the Township Engineer, or with-

out considering the comments of the Township Planning Commission. All required permits from PA DEP must be obtained prior to approval.

6. The Township Code Enforcement Officer shall not issue a building permit for any regulated activity specified in §105 of this Part if the drainage plan has been found to be inconsistent with this Part, as determined by the Township Engineer. All required permits from PA DEP must be obtained prior to issuance of a building permit.
7. The developer shall be responsible for completing an As-Built Survey of all stormwater management facilities included in the approved drainage plan. The as-built survey and an explanation of any discrepancies with the design plans shall be submitted to the Township for final approval. In no case shall the Township approve the as-built survey until the Township receives a copy of an approved declaration of adequacy, highway occupancy permit from the PA DOT District Office, and any required permits from PA DEP.
8. The Township's approval of a drainage plan shall be valid for a period not to exceed two years. This two-year time period shall commence on the date that the Township signs the approved drainage plan. If stormwater management facilities included in the approved drainage plan have not been constructed, or if an as-built survey of these facilities has not been approved within this two-year time period, then the Township may consider the drainage plan disapproved and may revoke any and all permits. Drainage plans that are considered disapproved by the Township shall be resubmitted in accordance with §137 of this Part. The Township Supervisors may consider a request from the developer for extension of the time limit for good cause shown.

(Ord. 8/12/1999, §4.5)

#### **§136. Modification of Plans.**

1. A modification to a submitted drainage plan for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the drainage plan (as determined by the Township or the Township Engineer), shall require a resubmission of the modified drainage plan consistent with §134 of this Part and be subject to review as specified in §135 of this Part.
2. A modification to an already approved or disapproved drainage plan shall be submitted to the Township Secretary, accompanied by the applicable Review Fee. A modification to a drainage plan for which a formal action has not been taken by the Township shall be submitted to the Township, accompanied by the applicable review fee.

(Ord. 8/12/1999, §4.6)

**§137. Resubmission of Disapproved Drainage Plans.**

A disapproved drainage plan may be resubmitted, with the revisions addressing the Township's concerns documented in writing, to the Township in accordance with §134 of this Part and be subject to review as specified in §135 of this Part. The applicable review fee must accompany a resubmission of a disapproved drainage plan.

(Ord. 8/12/1999, §4.7)

**E. Inspections and As-Built Plans.**

**§141. Schedule of Inspections.**

1. The Township or its designated representative shall inspect all phases of the installation of the permanent stormwater management facilities.
2. During any stage of the work, if the Township determines that the permanent stormwater management facilities are not being installed in accordance with the approved drainage plan, the Township shall revoke the applicable permits until the facilities are correctly installed or a revised drainage plan is submitted and approved, as specified in this Part.

(Ord. 8/12/1999, §5.1)

**§142. As-Built Plans.**

After completion of the project or a given phase, and as a prerequisite for release of any financial guarantee, the developer shall:

- A. Provide a certificate from an engineer, architect, surveyor or other qualified professional, as determined by the Township, certifying that all required stormwater management facilities have been constructed according to the approved drainage plan.
- B. Provide a complete set of as-built drawings bearing the seal of the same professional who provided the certificate referred to in §142(A) above; provided, however, that neither as-built plans nor professional certification shall be required for a minor subdivision.

(Ord. 8/12/1999, §5.2)



**F. Fees and Expenses.**

**§151. General.**

The fees required by this Part are the application fee and the Township review and inspection fees. The fees shall be established by the Township Supervisors by separate Fee Resolution to defray costs incurred by the Township and the Township Engineer. All fees shall be paid by the applicant.

(Ord. 8/12/1999, §6.1)

**§152. Drainage Plan Review Fee.**

The Township shall establish a review fee schedule based on the size and hydrologic complexity of the regulated activity and based on the Township's costs for reviewing the drainage plan. The Township shall periodically update the review fee schedule to ensure that review costs are adequately reimbursed. Charges for the Township Engineer review of a drainage plan and inspection of the facilities shall be coordinated to the extent practical with review and inspection under the Township Subdivision and Land Development Ordinance [Chapter 22] so as to avoid duplicate costs and review charges.

(Ord. 8/12/1999, §6.2)

**§153. Expenses Covered by Fees.**

The fees required by this Part shall at a minimum cover:

1. Application fee to cover administrative costs.
2. The review of the drainage plan by the Township and the Township Engineer.
3. Site inspection(s), at predevelopment stage and during related development.
4. The inspection of stormwater management facilities and drainage improvements during construction.
5. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the drainage plan.
6. Any additional work required to enforce any permit provisions regulated by this Part, identify violations and assure proper completion of stipulated remedial actions.

(Ord. 8/12/1999, §6.3)





**G. Maintenance and Performance Responsibilities.**

**§161. Performance Guarantee.**

The applicant shall provide a financial guarantee to the Township for the timely installation and proper construction of all stormwater management controls as required by the approved drainage plan and this Part equal to the full construction cost of the required controls plus 15%. The purpose of the additional surety above the estimated construction cost is to cover the Township costs in the event of developer default since the Township would pay Pennsylvania prevailing wage rates by law. The surety amount shall be approved by the Township Engineer. In the event that the applicant is required to provide a financial guarantee for a subdivision or land development plan pursuant to the Township Subdivision and Land Development Ordinance [Chapter 22] then the financial guarantee required under this Part shall be included thereunder.

(Ord. 8/12/1999, §7.1)

**§162. Maintenance Responsibilities.**

1. The drainage plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the Township Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).
2. The Township Supervisors, upon recommendation of the Township Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the drainage plan. The Township Supervisors reserve the right to accept or reject, in their sole discretion, the ownership and operating responsibility for any or all of the stormwater management controls.
3. The drainage plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities consistent with the following principles:
  - A. If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained then the ownership, operation and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.
  - B. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Township, the Township may, but shall not be obligated to, require that the stormwater control facilities also be dedicated to and maintained by the Township.

## WATER

(Ord. 8/12/1999, §7.2)

### **§163. Maintenance Agreement for Privately Owned Stormwater Facilities.**

1. Prior to final approval of the site drainage plan, the property owner shall sign and record a maintenance agreement covering all stormwater control facilities which are to be privately owned. The agreement shall stipulate that:
  - A. The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner.
  - B. The owner shall convey to the Township such easements as are necessary to provide access for it to perform periodic inspections and, should it elect to do so pursuant to §163(1)(D) below, necessary maintenance and/or corrective work.
  - C. The owner shall keep on file with the Township the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the Township within 10 days of the change.
  - D. If the owner fails to maintain the stormwater control facilities following due notice by the Township to correct the problem(s), the Township may, in its sole discretion, perform or cause to be performed the necessary maintenance work or corrective work and invoice the owner for all costs, and secure reimbursement from the deposit made under §164 to the extent available. The owner shall pay any such invoice within 30 days following its receipt.
2. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Township Solicitor and Board of Supervisors.

(Ord. 8/12/1999, §7.3)

### **§164. Municipal Stormwater Maintenance Fund.**

1. Persons installing stormwater storage facilities shall be required to pay a specified amount to the Township stormwater maintenance fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
  - A. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections and maintenance performed by the Township for a period of five years, as estimated by the Township Engi-

neer. After that period of time, inspections will be performed at the expense of the Township, in its sole and absolute discretion.

- B. If the storage facility is to be owned and maintained by the Township the deposit shall cover the estimated costs for maintenance and inspections for five years. The Township Engineer will establish the estimated costs utilizing information submitted by the applicant.
  - C. The amount of the deposit to the fund shall be converted to present worth. The Township Engineer shall determine the present worth equivalents which shall be subject to the approval of the Board of Supervisors.
- 2. If a storage facility is proposed that also serves as a recreation facility (e.g., ball-field, lake), the Township may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.
  - 3. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

(Ord. 8/12/1999, §7.4)

#### **§165. Financial Acceptance.**

Financial guarantees as required by this Part shall be provided in the form of:

- A. Bonds.
- B. Escrow Accounts.
- C. Irrevocable letters of credit.

(Ord. 8/12/1999, §7.5)



## **H. Enforcement and Penalties.**

### **§171. Right of Entry.**

Upon presentation of proper credentials duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Part.

(Ord. 8/12/1999, §8.1)

### **§172. Abatement of Violations.**

The Township may institute any appropriate action or proceeding at law or in equity for the enforcement of this Part. In case any building, structure or land is, or is proposed to be, erected, constructed, re-constructed, altered, converted, maintained or used in violation of this Part, the Township may institute an appropriate action or proceeding to prevent, restrain, correct or abate such violation.

(Ord. 8/12/1999, §8.2)

### **§173. Notification.**

In the event that a person fails to comply with the requirements of this Part, or fails to conform to the requirements of any permit issued hereunder, the Township shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this Part. All such penalties shall be deemed cumulative. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring or has occurred to comply with the terms and conditions of this Part.

(Ord. 8/12/1999, §8.3)

### **§174. Public Nuisance.**

1. The violation of any provision of this Part is hereby deemed a public nuisance.
2. Each day that a violation continues shall constitute a separate violation.

(Ord. 8/12/1999, §8.4)

**§175. Liability Disclaimer.**

1. Neither the granting of any approval under this Part, nor the compliance with the provisions hereof or with any condition imposed by the Township, its officials, employees or designated representatives hereunder, shall relieve any person from responsibility for personal injury or property damage resulting from such person's activity nor impose any liability against the Township, its officials, employees or designated representatives.
2. The granting of any permit which includes any stormwater management requirements shall not constitute a representation, guarantee or warranty of any kind by the Township, the officials, employees or designated representatives thereof, of the practicability or safety of any stormwater structure or facility, use or other plan proposed and shall create no liability or cause of action upon the Township, its officials, employees or designated representatives for any damage that may result pursuant thereto to the maximum extent permitted by law.

(Ord. 8/12/1999, §8.5)

**§176. Penalties.**

1. Any person who shall violate any provision of this Part, shall, upon a judicial determination thereof, be subject to civil judgment for each such violation of not less than \$300 nor more than \$600, plus costs of suit. All fines shall be paid to the Township for its use.
2. In addition, the Township may institute any other appropriate action or proceeding at law or in equity for the enforcement of this Part.

(Ord. 8/12/1999, §8.6)

**§177. Appeals.**

1. Any person aggrieved by a decision of the Township, its officials, employees or any designated representative thereof may appeal to the Township Board of Supervisors within 30 days of the decision or determination.
2. Any person aggrieved by a decision of the Montour Township Board of Supervisors may appeal to the Court of Common Pleas within 30 days of the decision.

(Ord. 8/12/1999, §8.7)

*26 Attachment 1*

## Township of Montour

**Table 1**

<b>Method</b>	<b>Method Developed By Applicability</b>
TR 20 (or commercial package based on TR 20)	USDA SCA (now NRCS)  Applicable where use of full hydrology computer model is desirable or necessary.
TR 55 (or commercial computer package based on TR 55)	USDA SCS  Applicable for land development plans within limitations described in TR 55.
HEC 1	US Army Corps of Engineers  Applicable where use of full hydrologic computer model is desirable or necessary
PSRM	Penn State University  Applicable where use of a hydrologic computer model is desirable or necessary; simpler than TR 20 or HEC 1.
Rational Method (or commercial computer package based on Rational Method) or Modified Rational Method	Emil Kuichling (1889)  For sites less than twenty (20) acres as approved by the Township Engineer.
Other Methods	Varies  Other computation methodologies approved by the Township Engineer.

*26 Attachment 2*

Township of Montour

**Appendix**

**Stormwater Management Computational Values**

Design Storm Curves for Columbia Region – consult PennDOT Design Manual, Part 2, January 1999 or current edition

TR 55 Runoff Curve Numbers – consult NTIS PB-87-101580/AS

Runoff Coefficients for the Rational Method – consult Chapter 4, PA DEP Erosion and Sediment Pollution Control Manual

Manning Roughness Coefficients – consult PennDOT Design Manual, Part 2, January 1999 or current edition

Permissible Velocities for Channels – consult PennDOT Design Manual, Part 2, January 1990 or current edition.

Description of the Modified Puls Routing Method – consult PennDOT Design Manual, Part 2, January 1990 or current edition

Design Criteria for Drainage Swales, Culverts and Drainage Channels

Consult PennDOT Design Manual, Part 2, January 1990 or current edition

Runoff Control Measures

Consult PennDOT Design Manual, Part 2, January 1990 or current edition Design Criteria for Facilities to Encourage Recharge

Consult PennDOT Design Manual, Part 2, January 1990 or current edition Grading and Landscaping

Consult PennDOT Design Manual, Part 2, January 1990 or current edition



## **CHAPTER 27**

### **ZONING**

#### **Part 1**

##### **Purpose and Jurisdiction**

- §100. Title**
- §101. Jurisdiction**
- §102. Purposes**
- §103. Enforcement**
- §104. Interpretation**

#### **Part 2**

##### **Definitions**

- §200. Inclusions**
- §201. Definitions**

#### **Part 3**

##### **Zoning Districts**

- §300. Districts Established**
- §301. Statements of Purpose and Intent**

#### **Part 4**

##### **Use Regulations**

- §400. Applicability**
- §401. Permitted Uses**
- §402. Table of Use Regulations**

#### **Part 5**

##### **Dimensional Requirements**

- §500. Compliance**
- Table of Dimensional Requirements**
- §501. Special Provisions**

## **Part 6**

### **Performance Standards**

- §600. Compliance**
- §601. Abatement of Noxious Influences**
- §602. Buffering, Screens, Fences and Walls**
- §603. Floodway Regulations**
- §604. Natural Hazards**
- §605. Maintenance**
- §606. Receiving and Shipping, Cleaning, Repair or Overhaul, Dispatching, Refueling, Distribution, Transfer and Trucking Related Activities or Terminal Operations**
- §607. Commercial or Industrial Washing, Cleaning, Repair, Fabrication, Service, Refueling or Outdoor Display of Vehicles**
- §608. Water Supply and Water Resource Protection**

## **Part 7**

### **Signs**

- §700. Definitions**
- §701. General Sign Regulations**
- §702. Signs in Conservation, Agricultural and Residential Districts**
- §703. Signs in Commercial Districts**

## **Part 8**

### **Off-Street Parking, Maneuvering and Loading**

- §800. Off-Street Parking**
- §801. Off-Street Loading**

## **Part 9**

### **Nonconformities**

- §900. Definitions**
- §901. Nonconforming Structures**
- §902. Nonconforming Lots**
- §903. Nonconforming Uses**

## **Part 10**

### **Administration**

- §1000. Zoning Officer**
- §1001. Zoning Permits**
- §1002. Occupancy Permit**
- §1003. Conditional Uses**
- §1004. Fees**
- §1005. Mediation Option**

## **Part 11**

### **Zoning Hearing Board**

- §1100. General Provisions**
- §1101. Powers and Duties**
- §1102. Rules and Procedures**

## **Part 12**

### **Zoning Reclassifications**

### **Table of Dimensional Requirements**



## **Part 1**

### **Purpose and Jurisdiction**

#### **§100. Title.**

An ordinance regulating the use of land area, watercourses and water bodies; the size height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use. This chapter may be cited as the “Montour Township Zoning Ordinance.”

(Ord. 5/9/1972, §100)

#### **§101. Jurisdiction.**

1. Grant of Power. Section 601 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) provides that the Montour Township Supervisors may implement the Montour Township Comprehensive Plan and other officially adopted plans or accomplish any of the purposes of Act 247 by enacting a zoning ordinance, providing for mediation, appeals and penalties for violations.
2. Applicability. This chapter requires that, within Montour Township, in the County of Columbia and the Commonwealth of Pennsylvania, no land, body of water or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water or structure is located. Where required herein, a zoning permit shall be secured and displayed as evidence of compliance with this chapter.
3. County Authority. The Columbia County Planning Commission is empowered under Section 607 of the Pennsylvania Municipalities Planning Code (Act 247) to submit its recommendations upon the proposed adoption, amendment or repeal of any municipal zoning ordinance or part thereof. Proposals shall be submitted to the County Planning Commission at least 45 days in advance of the public hearing by the Board of Supervisors.

(Ord. 5/9/1972, §110; as amended by Ord. 12/12/1991B, §1; and by Ord. 9/9/2004, §1)

## ZONING

### **§102. Purposes.**

1. General Purposes – The zoning regulations and districts herein set forth have been made in accordance with the Montour Township Comprehensive Plan and are designed to:
  - A. Promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and beneficial community development, convenience, future governmental, social and cultural facilities, economic well-being and growth, future viability of agricultural operations (including their expansion and change to remain viable), existing neighborhoods, appropriate density of population, emergency preparedness and response, the provision of adequate light and air, police protection, vehicle parking and loading space, safe and adequate transportation, adequate quantity and quality of water supply, proper sewage disposal, schools, public grounds and other public services requirements.
  - B. Permit, prohibit, regulate, restrict and determine the appropriate intensity of land use to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers, while providing for reasonable expansion of mineral resource extraction.
  - C. Permit, prohibit, regulate, restrict and determine the appropriate intensity of land use to protect and preserve natural resources and open space, forests, woodlands, historic resources, prime agricultural land through easements or zoning, and protection of access for forestry operations, community amenities and environmental quality, promote flexibility, economy, efficient use of resources, and ingenuity in the design and development of land, encourage improved site planning.
  - D. Correct problems as may presently exist and attempt to prevent problems which may be foreseen.
  - E. Coordinate proposed street, parks, and other public use facilities with existing Montour Township facilities, features and policies and with adjacent municipalities and governmental agencies where the proposed development and facilities will create impact upon that municipality or agency.
2. Community Development Objectives. This chapter provides a legal basis and framework for future community development. Its provisions are guided by the goals, objectives and proposals contained within the Montour Township Comprehensive Plan.

(Ord. 5/9/1972, §120; as amended by Ord. 12/12/1991B, §2; and by Ord. 9/9/2004, §§2, 3, 4)

### **§103. Enforcement.**

1. Remedies. In any case where any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter or any duly enacted amendment hereof, the governing body or Township Zoning Officer or any aggrieved property owner may, in addition to other remedies provided by law, after giving 30 days notice and a copy of the complaint to the Township, institute appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land use or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
2. Penalties. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation or provision of this chapter or any duly enacted amendment hereof. Any person, partnership or corporation who or which shall violate the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Montour Township as a result thereof. All judgments, costs and reasonable attorney fees collected for such violations shall be paid over to Montour Township. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor files a timely appeal of the judgment, Montour Township shall enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
3. Nothing contained in this chapter shall be construed or interpreted to grant to any person or entity other than Montour Township and its designee the right to commence any action for enforcement pursuant to this chapter.

(Ord. 5/9/1972, §130; as amended by Ord. 12/15/1987; and by Ord. 12/12/1991B)

### **§104. Interpretation.**

1. Conflict with Other Laws. The provisions of this chapter shall be held to be minimum requirements to meet the purposes stated herein. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this chapter, the provisions of such statute, ordinance or regulation shall prevail.

## ZONING

2.     Validity. Should any section, subsection or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter as a whole or any other part thereof.
3.     Repealer. All other Township ordinances or parts of ordinances are hereby repealed insofar as they are inconsistent with the provisions of this chapter.

(Ord. 5/9/1972, §140)



## Part 2

### Definitions

#### **§200. Inclusions.**

As used in these regulations, words expressed in their singular include their plural meanings; and words expressed in the plural include their singular meanings. The word “person” includes a corporation, unincorporated association and a partnership, as well as an individual. The words “building” and “street” are used generally and shall be construed as if followed by the phrase “or part thereof”. The word “may” is permissive; the words “shall” and “will” are mandatory.

(Ord. 5/9/1972, §200)

#### **§201. Definitions.**

The following words or phrases, when used in these regulations, shall have the meanings ascribed to them in this Section, and in the Pennsylvania Municipalities Planning Code, except where the context clearly indicates a different meaning. Any word or term not defined herein shall be used with a meaning of standard usage.

**ABANDONED** — the visible or otherwise apparent discontinuance of a nonconforming use of a building or premises or the use of a nonconforming structure or lot; or the removal of the characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure; commencing when continuous efforts to reestablish (such as lease, rental, sale, etc.) a nonconforming use have ceased.

**ADULT BOOKSTORE** — a commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, photographs, video tapes, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Conduct” (as hereinafter defined).

**ADULT MOTION PICTURE THEATER** — an establishment used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Conduct” (as hereinafter defined) for observation by patrons therein.

**AGENT** — any person, other than the developer, who, acting for the developer, submits to the Commission and the Township Supervisors plans for the purpose of obtaining approval thereof.

**AGRICULTURAL OPERATION** — an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, ag-

## ZONING

ronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

**ALLEY** — a right-of-way providing secondary vehicular access to the side or rear of two or more properties.

**ALTERATION** — as applied to a building or structure, a change or re-arrangement in the structural parts or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another.

**APPLICANT** — a landowner or developer, as hereinafter defined, who has filed an application for development, including his/her heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** — every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

**APPOINTING AUTHORITY** — the Montour Township Board of Supervisors.

**AREA** —

- A. Lot Area — the area contained within the property lines of individual parcels of land shown on a tax parcel map or on a subdivision plan, excluding any area within a street right-of-way, but including the area of any easement or future right-of-way.
- B. Building Area — the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
- C. Floor Area — the sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter or any such floor space intended and designed for accessory heating and ventilating equipment.

**AUTHORITY or MUNICIPAL AUTHORITY** — a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."<sup>1</sup>

---

<sup>1</sup> **Editor's Note: See 53 Pa.C.S. §5601 et seq.**

**BASEMENT** — a story, partly underground but having 1/2 or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining floor area only if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or is used for business or dwelling purposes. For floodplain management purposes, a basement shall be that area of a structure or building having its floor subgrade (below ground level) on all sides.

**BED AND BREAKFAST** — a residential structure, or part thereof, designed or converted to provide the necessary sanitary facilities, lighting and parking, etc., for the purpose of renting rooms and the provision of breakfast meals to transient or overnight guests by the owner or operator for temporary periods of time.

**BOARD or ZONING HEARING BOARD** — the Montour Township Zoning Hearing Board.

**BUILDING** — any structure, including mobile homes, having a roof supported by columns, or enclosed within exterior walls or fire walls, built, erected, or framed of component structural parts, and intended for the shelter, housing or enclosure of persons, animals or property.

**BUILDING, ACCESSORY** — a detached subordinate structure, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**BUILDING, PRINCIPAL** — the main structure on a given lot, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind.

**BUILDING COVERAGE** — that percentage of the plot or lot area covered by the building area.

**BUILDING HEIGHT** — a vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING SETBACK LINE** — a line within a property defining the required minimum distance between any structure and the adjacent street line.

**CABARET** — a club, bar, tavern, theater, hall or similar place which features topless or bottomless dancers, entertainers or employees, strippers, simulated sex acts, live or actual sex acts, or similar entertainers or entertainment.

**CAMPGROUND** — a tract or tracts of land, or any portion thereof, used for the purpose of providing three or more spaces for motor homes, recreational vehicles, travel trailers

## ZONING

or tents, with or without a fee charged for the leasing, renting or occupancy of such space.

CARTWAY — the portion of a street or alley intended for vehicular travel.

CELLAR — a story, partly underground and having more than 1/2 of its height (measured from floor to ceiling) below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage nor shall it be used for dwelling purposes.

CENTER FOR LOCAL GOVERNMENT SERVICES — the Governor's Center for Local Government Services located within the Pennsylvania Department of Community and Economic Development.

CENTER LINE — a line located exactly in the center of the width of the cartway, right-of-way, easement, access, road, or street.

CLEAN FILL DISPOSAL — uncontaminated, non-water-soluble, non-decomposable inert solid material disposal, for which any form of compensation or consideration is exchanged, whether immediate or deferred, for the fill material or its transport and placement. The term as used herein does not include normal and customary soil, shale, gravel, stone and other aggregates sold as a conventional business enterprise so long as those materials are free of any form of solid waste.

CLEAR SIGHT TRIANGLE — an area of unobstructed vision at street intersections defined by two street center lines and by a line of sight between two points on the street center lines at a given distance from the intersecting street center lines.

COMMISSION — the Montour Township Planning Commission, unless otherwise noted.

COMMON OPEN SPACE — a parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNITY FACILITY — a building or structure, or non-structural improvement such as an easement for utilities or stormwater controls, jointly owned and/or maintained by property owners within a subdivision, or by a governmental agency, to provide a public service.

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

COMPREHENSIVE PLAN — the complete plan for the continuing development and redevelopment of Montour Township as recommended by the Planning Commission and currently adopted by the Township Supervisors.

**CONDITIONAL USE** — a use which may be permitted in one or more zoning districts upon the recommendation of the Planning Commission to the Township Supervisors which may grant approval pursuant to applicable standards and criteria expressed in this chapter, the Township Subdivision and Land Development chapter and other applicable regulations.

**CONDOMINIUM** — a building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONSISTENCY** — an agreement or correspondence between matters being compared which denotes a reasonable rational, similar connection or relationship.

**CONSTRUCTION** — the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

**CONVERSION APARTMENT** — dwelling units created by the division of a large building (single-unit dwelling, barn, or other structure) into a multi-unit structure without substantially altering the building exterior.

**COUNTRY INN** — a residential structure, designed or converted to provide the necessary sanitary facilities, lighting and parking, etc., for the purpose of renting rooms and the provision of meals to transient or overnight guests for temporary periods of time or the provision of individual or banquet meals as a commercial enterprise.

**COUNTY** — Columbia County, Pennsylvania, unless otherwise noted.

**COUNTY COMPREHENSIVE PLAN** — a land use and growth management plan, prepared by the County Planning Commission and adopted by the County Commissioners, which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulations.

**DAY-CARE CENTER** — a facility enrolling more than six young children where tuition, fees, or other forms of compensation for the care of the children are charged and which is licensed or approved to operate as a child day-care center by the Pennsylvania Department of Public Welfare. Facilities for the daily care of adults, whether elderly, handicapped, or otherwise incapable of independent living, which may provide meals, limited nursing care, recreational activities and supervision, but not including twenty-four-hour care.

**DECISION** — final adjudication of any board or other body granted jurisdiction under any land use ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the 26th Judicial District, Columbia County Branch.

## ZONING

**DEPENDANT-CARE UNIT** — a dependant-care unit, as used herein, is intended to provide a place of residence for members of the immediate family, where some form of personal care or assistance in daily living is necessary, whether for reason of health, mental or physical disability, or age limitations in daily living capability. Nothing in this definition or implementing provisions is intended to change the limitation of one dwelling unit per lot for persons not requiring family care.

**DESIGNATED GROWTH AREA** — a region within a county or counties, described in a municipal or multimunicipal plan, that preferably includes and surrounds a city, borough or village and within which residential and mixed-use development is permitted or planned for at densities of one unit to the acre or more; commercial, industrial and institutional uses are permitted or planned for; and public infrastructure services are provided or planned.

### DETERMINATION –

- A. Final action by an officer, body or agency charged with the administration of any land use ordinance or application thereunder, except the following:
  - (1) The governing body.
  - (2) The Zoning Hearing Board.
- B. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**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.

**DEVELOPMENT** — any man-made change to improved or unimproved real estate, including but not limited to building or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

**DEVELOPMENT AGREEMENT** — a formal binding written agreement between a developer and Montour Township negotiated as part of the subdivision or land development plan approval process which specifies responsibilities of the developer as conditions of plan approval including, but not limited to, qualities of development, design and construction, timing of development and public infrastructure availability/connections, community facility or other improvements construction and/or financial contributions for on-site or off-site locations and may, at the option of the Township, also list obligations assumed by the Township.

**DEVELOPMENT OF REGIONAL SIGNIFICANCE OR IMPACT** — any land development that, because of its character, magnitude, or location, will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

**DEVELOPMENT PLAN** — the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

**DISTRICT** — a zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

**DOUBLE-FRONTAGE LOT** — a lot with front and rear street frontage.

**DRIVEWAY** — a minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

**DRUG-DEPENDENT PERSON** — a person who is using, or is attempting to recover from the use of a drug, controlled substance or alcohol, and who is or was in a state of psychic or physical dependence, or both, arising from use of that drug, controlled substance, or alcohol on a continuing basis.

**DWELLING** — a building containing one or more dwelling units.

- A. **SINGLE-FAMILY DETACHED DWELLING** – a dwelling having only one dwelling unit from ground to roof, independent outside access and open space on all sides.
- B. **SINGLE-FAMILY ATTACHED DWELLING** – a dwelling containing only one dwelling unit from ground to floor, independent outside access and a portion of one or two walls in common with adjoining dwellings.
- C. **MULTIPLE-FAMILY DWELLING** – a dwelling containing two or more dwelling units not having independent outside access and not having party walls forming a complete separation between individual dwelling units. Single-family attached dwellings are specifically excluded from this definition.

**DWELLING UNIT** — any room or group of rooms forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one person, one family, or two or more persons functioning as one household.

**DWELLING, ATTACHED** — a structure designed for and occupied by two or more dwelling units, each having at least a portion of one wall in common with an adjacent unit, i.e. townhouse or apartment units.

**DWELLING, DETACHED** — a freestanding structure consisting entirely of a single dwelling unit from ground to roof with independent access and open space on all sides.

## ZONING

**DWELLING, MULTIPLE-FAMILY** — a structure containing two or more dwelling units not having independent outside access and not having a common wall(s) forming a complete separation between individual dwelling units.

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

**FAMILY** — a group of individuals living together in a single dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**FAMILY DAY-CARE CENTER** — a family residence where care is provided for not more than six persons by an occupant of the home and which is registered by the Pennsylvania Department of Public Welfare to provide such care. For purposes of this chapter, a family day-care center may be considered as a home occupation.

**FENCE** — any barrier constructed of wood, metal, wire mesh, masonry blocks, or similar material or any landscaping which consists of plants located close together (i.e., hedgerow), erected for the purpose of screening and/or defining one property from another either to assure privacy or to protect the property screened or demarcate property ownership or leaseholds. For purposes of this chapter, a fence shall be considered a structure for which a zoning permit shall be required; provided, however, that a temporary safety fence for active construction areas or to protect from hazards shall not require a zoning permit. A fence shall be required to meet the standards of §602.

**FLOOD** — a temporary condition of partial or complete inundation of normally dry land area from the overflow of a stream, river or watercourse or from the rapid and unusual accumulation of surface waters from any source.

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

**FLOODWAY** — the channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the one-hundred-year flood. The boundary of the one-hundred-year floodway is as indicated on the maps and flood insurance studies provided by FEMA (the Federal Emergency Management Agency). In an area where no FEMA maps nor studies have defined the boundary of the floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet landward from the top of the bank of the stream.

**FORESTRY** — the management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Silvicultural principles involve the use of best management practices for the establishment, development, reproduction and care of forest trees.



**FUTURE GROWTH AREA** — an area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

**FUTURE RIGHT-OF-WAY** — (1) the right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; (2) a right-of-way established to provide future access to or through undeveloped land.

**GENERAL CONSISTENCY or GENERALLY CONSISTENT** — that which exhibits consistency.

**GOVERNING BODY** — the Montour Township Board of Supervisors.

**GROUP HOME; GROUP CARE FACILITY** — a facility or dwelling unit housing persons unrelated by blood or marriage which operates as a group household, including but not limited to sobriety houses, recovery homes, halfway houses, homes for orphans, foster children, students, the elderly, battered children and women, persons seeking a more affordable housing arrangement, and limited treatment facilities providing less than primary health care. Such facilities are considered primarily residential in nature.

**HABITABLE FLOOR AREA** — any floor area within a dwelling unit that is usable for living purposes, including areas for working, sleeping, eating, cooking and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic, or unimproved basement space shall not be considered habitable floor area.

**HALFWAY HOUSE** — (see “GROUP HOME/GROUP CARE FACILITY”)

**HAZARDOUS MATERIALS** — any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being including, but not limited to, corrosive, explosive, instantly ignitive, toxic, radioactive and pathogenic.

**HEARING** — an administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code.<sup>2</sup>

**HOME OFFICE** — a room(s), or portion or combination thereof, of a home which is used for the conduct of the resident’s occupation or household business functions, home occupation, or home business activities so long as such activities do not include public clientele visitation.

**INDUSTRIAL** — any combination of activities, uses or operations which may involve receipt and storage of materials or equipment, cleaning, processing, repair, overhaul,

---

<sup>2</sup> Editor’s Note: See 53 P.S. §10101 et seq.

## ZONING

retrofit, testing, fabrication or assembly to produce a salable product or service which may be shipped or sold on-site.

**INTERMITTENT RECREATIONAL USE** — use of a lot or parcel for other than full-time occupancy, for seasonal, leisure, and other recreational activities.

**JUNKED OR ABANDONED VEHICLE** — a motor vehicle not bearing a current registration or inspection which is stored outside of an enclosed structure for a period of time exceeding 180 days, unless completely covered or tarped with an opaque material which is securely tied down.

## LAND DEVELOPMENT –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development which involves the following shall be excluded:
  - (1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**LANDOWNER** — the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the

landowner or other person having a proprietary interest in land shall be deemed to be a landowner for the purposes of this chapter.

LAND USE ORDINANCE — any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code.<sup>3</sup>

LEVELING AREA — a safe stopping area at the intersection of streets or the intersection of a driveway and a street which is designed in accordance with the standards of this Township.

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

LOT AREA — the area contained within the property lines of the individual parcels of land as shown on a plan, excluding any area within a street right-of-way but including the area of any easement or future right-of-way.

LOT, CORNER — a lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the points beginning with the lot or at the points of intersection of the side lot lines with the street right-of-way lines intersect at an interior angle of less than 135°.

LOT DEPTH — the mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT, DOUBLE-FRONTAGE — a lot with front and rear street frontage.

LOT LINES — any boundary line of a lot.

REAR LOT LINE — any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line and, in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, the property owner shall have the option of choosing which is the rear lot line, subject to the approval of the Zoning Officer.

SIDE LOT LINE — any lot line that is not a street line or a rear lot line.

STREET LINE — (see STREETS)

LOT OF RECORD — a lot which has been recorded in the office of the Recorder of Deeds of Columbia County, Pennsylvania.

---

<sup>3</sup> Editor's Note: See 53 P.S. §10101 et seq.

## ZONING

**LOT, REVERSE-FRONTAGE** — a lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the local street.

**THROUGH LOT** — an interior lot having frontage on two parallel or approximately parallel streets.

**LOT WIDTH** — the distance between the side lot lines measured at the building setback line.

**LOWEST FLOOR** — the lowest floor or the lowest enclosed area (including a basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the National Flood Insurance Program.

**MANUFACTURING** — (see INDUSTRIAL)

**MEDIATION** — a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINERALS** — any aggregate or mass of mineral matter, whether or not coherent. The term includes but is not limited to limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINOR REPAIRS** — those repairs which do not increase the size of a structure by more than six inches, including but not limited to the installation of roofing or siding.

**MOBILE HOME** — a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation.

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

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

**MOBILE OFFICE** — a transportable structure intended for temporary occupancy as an office or place of business, or construction headquarters, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MODULAR HOUSING/MANUFACTURED HOUSING** — housing units, whether for a single family or multiple-family units, designed and manufactured in two or more standard sections, which are trucked or shipped and joined into one integral unit on the site. For purposes of this chapter, such housing must be placed upon a permanent foundation so that it cannot be separated for further towing and shall not include mobile homes.

**MOTEL** — a series of attached or semi-attached dwelling structures or rooms which are designed to provide sleeping accommodations for transient or overnight guests.

**MULTIMUNICIPAL PLAN** — a plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by the Pennsylvania Municipalities Planning Code.<sup>4</sup>

**MULTIMUNICIPAL PLANNING AGENCY** — a planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Pennsylvania Municipalities Planning Code,<sup>5</sup> or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including but not limited to agricultural and open-space preservation, natural and historic resources, transportation, housing and economic development.

**MUNICIPAL ENGINEER** — a professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

**MUNICIPALITY** — any city of the second class or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general-purpose unit of government which shall hereafter be created by the General Assembly.

**NEW CONSTRUCTION** — the construction, reconstruction, extension, expansion, alteration, location or relocation of a building (including mobile homes), structure and/or improvements (such as streets, utilities, etc.).

**NONCONFORMING LOT** — a lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the require-

---

<sup>4</sup> Editor's Note: See 53 P.S. §10101 et seq.

<sup>5</sup> Editor's Note: See 53 P.S. §10101 et seq.

## ZONING

ments of the newly adopted or amended ordinance by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE** — a structure or part of a structure manifestly not designed to comply with the applicable standards and provisions in this chapter, or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter. Such nonconforming structures include but are not limited to nonconforming signs.

**NONCONFORMING USE** — a use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter, or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location.

**OCCUPANCY PERMIT** — a permit or certificate issued by the Zoning Officer indicating that the project has been completed in accordance with the terms of the zoning permit and authorizing occupancy of the premises.

**OFFICIAL MAP** — a map adopted by ordinance by the Montour Township Supervisors pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

**ONE-HUNDRED-YEAR FLOOD** — a flood that, on the average is likely to occur once every 100 years (i.e. that has a 1% chance of occurring each year, although the flood may occur in any year).

**OPEN SPACE, COMMON** — the horizontal area of land or surface water within or related to a development, predominately undeveloped, not owned individually or dedicated to the public, which is designed or intended for the common use or enjoyment of the residents, owners or tenants of the development and may include such complimentary structures or improvements as are necessary and appropriate.

**COVERED OPEN SPACE** — exterior space open on its sides to weather but not open above to the sky and weather including roofed porches, carports and covered balconies. For purposes of this chapter, covered open space shall not be counted toward fulfillment of required open space.

**PARK** — a public, semi-public, or private facility which provides outdoor recreational enjoyment and activity to the members of the organization which owns the facility or to the general public, either for free or on a fee basis. A park may include activities such as golf, tennis, basketball, baseball, swimming, hiking, picnicking and playgrounds and may also include buildings and accessory structures.

**PARKING SPACE** — an off-street space available and designed, developed and intended for the parking of one motor vehicle and having direct usable access to a street or road, all in accordance with the requirements of this chapter.

PLANNING AGENCY — a planning commission, planning department, or a planning committee of the governing body.

PLAT — the map or plan of a subdivision or land development, whether preliminary or final.

PRE-CUT/PACKAGED HOUSING — building materials designed and manufactured as a complete package intended to be assembled on site into a residential dwelling(s). For the purposes of this chapter, such housing must be placed upon a permanent foundation.

PRESERVATION or PROTECTION — when used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND — land used for agricultural purposes that contains soils of the first, second or third class, as defined by the United States Department of Agriculture Natural Resource and Conservation Services Columbia County Soil Survey.

PRINCIPAL BUILDING — a structure(s) which houses the main use or activity on a given lot or parcel.

PRINCIPAL USE — the primary use or activity on a lot or parcel.

PRINCIPALLY ABOVE GROUND — at least 51% of the actual square footage of the structure is above ground.

PROFESSIONAL OFFICE — the office of a member of a profession recognized either by State licensing or certification or by a national professional society which publishes standards or certifies its members or practitioners.

PUBLIC GROUNDS — includes:

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

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

## ZONING

**PUBLIC INFRASTRUCTURE AREA** — a designated growth area and all or any portion of a future growth area described in a county, multimunicipal or Montour Township comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

**PUBLIC INFRASTRUCTURE SERVICES** — services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

**PUBLIC MEETING** — a prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency, held for the purpose of deliberating agency business or taking official action.

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

**PUBLIC SEWAGE SYSTEM** — a system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. Such a system must be designed in accordance with the standards of and be permitted by the Pennsylvania Department of Environmental Resources. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers and licensed by the Pennsylvania Public Utility Commission.

**RECREATIONAL VEHICLE** — a vehicular type of portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECREATIONAL VEHICLE PARK** — any site upon which three or more recreational vehicles are, or are intended to be, located.

**REGIONAL PLANNING AGENCY** — a planning agency that is comprised of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.



**REGULATORY FLOOD** — the flood that has been selected to serve as the basis upon which the floodplain management provisions of this chapter have been prepared; the one-hundred-year flood.

**REGULATORY FLOOD ELEVATION** — the one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 foot.

**REHABILITATION CENTER** — (see **RESIDENTIAL TREATMENT FACILITY**)

**RENEWABLE ENERGY SOURCE** — any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**REPORT** — any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant, other than a solicitor to any other body, board, officer or consultant, for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESIDENTIAL TREATMENT FACILITY** — a nonhospital inpatient facility for drug dependent persons following physiological detoxification. The facility may provide a full range of treatment and supportive services carried out specifically to alleviate the dysfunction of the resident. This may include the systematic application of social, psychological or medical service methods to assist individuals to deal with the causative effects or consequences of drug or alcohol abuse. For the purposes of this chapter, such facilities may also be referred to as **REHABILITATION CENTERS**.

**REVERSE-FRONTAGE LOT** — (see “**LOT, REVERSE-FRONTAGE**”)

**RIGHT-OF-WAY** — land set aside for use as a street, alley or other means of travel.

**ROOMER, BOARDER OR LODGER** — a person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified, for purposes of this chapter, not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

**ROOMING HOUSE or BOARDINGHOUSE** — a building containing a single-family dwelling unit and rooms for the boarding of more than three persons for periods of time

## ZONING

in excess of one week for some form of compensation. For purposes of this chapter, such homes shall not include group homes or group care facilities as defined herein.

**RURAL RESOURCE AREA** — an area described in a municipal or multimunicipal plan within which rural resource uses, including but not limited to agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism, are encouraged, and enhanced development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

**SATELLITE DISH** — for the purposes of this chapter, a satellite dish antenna shall be defined as an accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

**SCREEN PLANTING or BUFFER PLANTING** — a barrier to visibility, glare, noise and dust between adjacent properties or between dwellings or commercial establishments or industrial facilities and public streets made of plant materials as specified herein.

**SEASONAL DWELLING** — a dwelling intended for occupancy only occasionally during the year, including dwellings intended for summer or winter recreational use such as cottages, hunting cabins, vacation lodges, and similar facilities. For purposes of this chapter, a recreational vehicle shall not be considered to be a seasonal dwelling.

**SELF STORAGE** — a structure or structures designed or converted to provide the necessary security, access, parking and lighting for the purpose of rental of enclosed lockable unit spaces to the public for general purpose storage, not including any toxic or hazardous materials nor materials posing potential environmental detriment or public safety hazard.

**SEWAGE FACILITY** — any sewer, sewage system, sewage treatment works or parts thereof designed, intended or constructed for the collection, treatment or disposal of liquid waste (including industrial waste).

**SEWAGE SLUDGE** — the coarse screenings, grit and dewatered or air-dried sludges, septic and holding tank pumpings and other residues from municipal and residential sewage collection and treatment systems, or as defined by Pennsylvania law or Department of Environmental Resources regulations.

**SOBRIETY HOUSE** — a rooming or boarding house which is not a residential treatment facility or transitional living facility and of which a substantial number of its residents are drug dependent persons.

**SPECIAL EXCEPTION** — a use permitted in a district as provided for herein which shall be approved by the Montour Township Zoning Hearing Board as set forth in Part 11 of this chapter.

**SPECIAL PERMIT** — a special approval issued by the Department of Community Affairs and/or Montour Township in accordance with Section 38.6 of the DCA Floodplain

Management Regulations for specific types of development and obstructions which present a special hazard to the health and safety of the public or occupants, or may result in significant pollution, increased flood levels or flows, or debris endangering life or property, when such development or obstructions are located in all or a designated portion of a floodplain.

**SPECIFIC PLAN** — a detailed plan for nonresidential development of an area covered by a municipal or multimunicipal comprehensive plan which, when approved and adopted by the participating municipalities through ordinances and agreements, supersedes all other applications.

**SPECIFIED SEXUAL CONDUCT** — patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of genitals.

**STORY** — that part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having 75% or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two opposite exterior walls is not more than two feet above such story.

**STREET** — a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel, as a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, cul-de-sac, service drive, viaduct and any other ways used or to be used, whether public or private. Streets are further classified as follows:

**PRINCIPAL ARTERIAL** — these are normally limited-access highways with interstate designation which serve corridor movement having trip length and travel density characteristics indicative of substantial State-wide or interstate travel. They serve urban areas over 50,000 in population and most of those with over 25,000 in population. They provide an integrated network except where geographical or other unusual conditions dictate stub connections.

**MINOR ARTERIAL** — these are major highways or roads that serve the remaining urban areas (over 5,000 in population) and other major traffic generators having an equivalent population. They form an integrated network with the principal arterials to provide intrastate and intercounty service. These generally include Federal Aid Primary routes, State designated routes, and US traffic routes not classified principal arterials.

**MAJOR COLLECTOR** — these are roads which serve county seats and other established communities not adequately served by the arterial system. They serve consolidated schools, industrial, shipping and agricultural centers, parks and other public facilities, etc., and provide service to nearly all developed areas. State designated routes may be included. Desirable operating speeds range from 35 to 55 mph.

## ZONING

**MINOR COLLECTOR** — these are roads owned by the State or Township which provide connections to local roads and minor arterials. They serve small boroughs, villages, developed areas, agricultural areas, and local public facilities or convenience commercial businesses. Traffic volumes and trip lengths vary greatly depending upon size and distance between generators and major collectors or arterials. Desirable operating speeds range from 30 to 50 mph.

**LOCAL ROAD** — these include all remaining routes which primarily provide access to adjacent land. They provide the lowest level of mobility on which through traffic movement is deliberately discouraged and do not include State designated routes. Traffic volumes are normally very low and desirable operating speeds range from 25 to 40 mph.

**MARGINAL ACCESS STREET** — local streets, parallel and adjacent to major collectors and minor arterials, for the purpose of providing safe access to abutting properties and control of intersections with major streets.

**CUL-DE-SAC** — a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**ALLEY or SERVICE DRIVE** — a minor right-of-way which provides a secondary access primarily for service to the back or sides of properties.

**STREET LINE** — the dividing line between the street and the lot. The street line shall be the same as the legal right-of-way; provided that, where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

**STRUCTURE** — any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

**MAJOR SUBDIVISION** — any subdivision that does not qualify as a minor subdivision as defined hereinbelow.

**MINOR SUBDIVISION** — the subdivision of land into not more than four lots, tracts or parcels which does not require any new street, sanitary sewer, storm sewer, water main or distribution line or any other municipal facility or public improvement; provided, however, that the calculation of the number of lots shall be determined on a cumulative basis including all subdivisions from the parent

tract subsequent to October 13, 1971, the date the Montour Township Subdivision and Land Development Ordinance [Chapter 22] was first enacted.

**SUBSTANTIALLY COMPLETED** — where, in the judgment of the Municipal Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code<sup>6</sup>) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SUPERVISORS OR TOWNSHIP SUPERVISORS** — the Montour Township Supervisors.

**TOWNSHIP** — Montour Township, Columbia County, Pennsylvania, including, for purposes of this chapter, its officials, agents, or designees.

**TRAILER** — a vehicle designed for human habitation not equipped with running water, bath facilities, flush toilet or appropriate sanitary connections.

**TRANSITIONAL LIVING FACILITY** — a structure wherein supportive services are provided in a semi-protected home-like environment to assist a drug dependent person in gradual re-entry into the community. No formal treatment, such as counseling or psychotherapy, takes place at the facility. Such facilities are considered live-in/work-out facilities.

**TRUCK TERMINAL or FREIGHT STATION** — a structure or group of structures owned and/or operated by a truck firm(s) intended to be used for loading, unloading, storage, transfer and dispatching of truck-transported goods, including truck maintenance and fueling facilities.

**USE** — any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

- A. **ACCESSORY USE** – a use located on the same lot with a principal use and clearly incidental or subordinate to and customary in connection with the principal use.
- B. **PRINCIPAL USE** – the main use on a lot.

**VARIANCE** — a modification of the regulations of this chapter granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to appropriate provisions of the chapter and Section 912 of the Pennsylvania Municipalities Planning Code (Act 247).

---

<sup>6</sup> Editor's Note: See 53 P.S. §10101 et seq.

## ZONING

**VILLAGE** — an unincorporated settlement that is part of a township where residential and mixed-use densities of one unit to the acre or more exist or are permitted and commercial, industrial or institutional uses exist or are permitted.

**WAREHOUSING** — a structure or group of structures owned or leased and/or operated by a businessman or firm(s) used or intended to be used for loading, unloading, storage and directly related functions, including smaller compartments or rooms leased for self-storage.

**WATERCOURSE** — any river, stream, run, rill, drainageway, lake, pond or other body of water, whether permanent or intermittent.

**WATER FACILITY** — any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

**WATER SURVEY** — an inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

**WHOLESALE ESTABLISHMENTS** — places of business engaged primarily in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers.

**YARD** — an open space unobstructed from the ground up, except as may be permitted herein, on the same lot with a principal use structure, extending along a lot line or street line and inward to the principal use structure. The size of a required yard shall be measured as the shortest distance between the principal use structure and a lot line or street line.

**FRONT YARD** — an open space between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards. In the case where a property does not abut a public road, the property owner shall have the option of choosing which is the front yard, subject to the approval of the Zoning Officer.

**REAR YARD** — an open space between a principal use structure and a rear lot line and extending the entire length of the rear lot line.

**SIDE YARD** — an open space between a principal use structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

**ZONING OFFICER** — the duly appointed municipal official designated by the Township Supervisors as the administering and enforcing officer for this chapter.

ZONING PERMIT — (which term shall include building permits and occupancy permits) – a written statement issued by the Zoning Officer authorizing buildings, structures, the occupancy thereof, or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

(Ord. 5/9/1971, §210; as amended by Ord 7/6/1979A, by Ord. 7/16/1982, §1; by Ord. 12/15/1987; by Ord. 12/12/1991B, §4; by Ord. 11/12/1992, §1; by Ord. 7/10/1997, §§1, 2; by Ord. 9/9/2004, §§5, 6; and by Ord. 1/11/2007, §1)





## Part 3

### Zoning Districts

#### §300. Districts Established

1. Classification of Districts. Montour Township is hereby divided into districts of different types, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use deemed most suitable to carry out the objectives of this chapter.
  - C Conservation Districts
  - A Agricultural Districts
  - SR Suburban Residential Districts
  - VR Village Residential Districts
  - HC Highway Commercial Districts
2. Zoning Map. The boundaries of the zoning districts are delineated on a separate digital orthophoto (aerial photograph) base map, supplied by the Columbia County Geographic Information System Office, which shows approximate tax parcel boundaries. This map, entitled "Montour Township Zoning Map," together with all explanatory matter thereon, is hereby made a part of this chapter. Where a Zoning Map change is proposed or petitioned (also referred to as a rezoning), notice of the public hearing shall be posted conspicuously by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. Notice of the hearing, including the location of the property involved plus the location, date and time of the hearing, shall be mailed by the Township, at least 30 days prior to the hearing, by first class mail, to the addressees to which real estate tax bills are sent for all property located within the area to be rezoned. Within 30 days after enactment, a copy of the amendment shall be forwarded to the Columbia County Planning Commission.
3. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of a district as indicated on a zoning map, the following rules shall apply.
  - A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines or streams, such center lines shall be construed to be such boundaries.
  - B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.

## ZONING

- C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets and highways, such district boundaries shall be construed as parallel thereto and at such distances therefrom as indicated on the zoning map.
- D. In the case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto. However, no boundary shall be changed by the Zoning Hearing Board. If such true location of a boundary line cannot be determined by interpretation of the Zoning Hearing Board a request for corrective action shall be filed with the Township Supervisors.
- E. Where a district boundary line divides a lot which was in single ownership at the time of enactment of this chapter, or enactment of any changes to the Zoning Map which affect the parcel in question, the Zoning Hearing Board may determine, as a special exception, which district regulations apply for either portion of the lot so long as the total area subject to the special exception is not larger than one acre.

(Ord. 5/9/1972, §300; as amended by Ord. 5/9/1991, §1; by Ord. 12/12/1991B, §5; and by Ord. 9/9/2004, §7)

### **§301. Statements of Purpose and Intent.**

1. Conservation Districts (C). In an area where major physiographic problems or limitations for development exist, public or centralized sewage service will not normally be expected to be provided, accessibility is difficult, terrain has very steep slopes or major changes in elevation, or unique natural beauty exists, Conservation Districts are established and/or Agricultural Security Areas are officially designated to conserve the existing character of such areas by providing for low-intensity residential, agricultural or recreational uses, thus guiding substantial land development into more appropriate zoning districts. In accordance with the Pennsylvania Right to Farm Act,<sup>7</sup> this district is intended to deliberately encourage farming and conservation uses, recognizing that customary farming practices may pose conflicts with residential activities.
2. Agricultural Districts (A). In areas not expected to be served with public or centralized sewage collection and treatment and not expected to attract substantial development, or where agricultural activity remains strong and farmers have committed to official Township designation of an Agricultural Security Area, Agricultural Districts are established to protect and stabilize agriculture as an ongoing economic activity; at the same time, recognizing the general decline in agricultural activity, reasonable alternative activities are permitted. In accordance with

---

<sup>7</sup> Editor's Note: See 3 P.S. §951 et seq.

the Pennsylvania Right to Farm Act,<sup>8</sup> this District is intended to deliberately encourage farming and conservation uses, recognizing that customary farming practices may pose conflicts with residential activities.

3. Suburban Residential Districts (SR). In areas where residential development patterns are established with reasonable access to the collector street network, Suburban Residential Districts are established. It shall be the purpose of these districts to promote and encourage a suitable and safe environment for family life by providing only for single-family residences and residential support land uses.
4. Village Residential Districts (VR). Building upon an established residential concentration with a reasonable potential for public sewage collection and treatment, the Village Residential District is extended to provide for moderate density residential of varied architectural styles and dwelling types and planned developments of mixed but compatible land uses. It shall be the purpose of such districts to maintain and provide for moderate density providing for higher density residential uses, limited commercial uses serving the immediate area and appropriate public activities.
5. Highway Commercial Districts (HC). Highway Commercial Districts are established to accommodate retail or wholesale business activities which either serve a regional market, offer merchandise oriented to the highway uses or function best on individual land parcels and thus are not normally part of an integrated shopping area or center. It shall be the purpose of such districts to provide for the routine shopping needs of the Township and adjacent communities.
6. Industrial (I). Industrial districts are established to recognize the existing limestone quarries and provide for the controlled expansion and evolving changes in activities associated with quarries. Although the life of the existing quarries is likely to be long term the Industrial Districts also provide for future reuse of the quarry areas and establish a policy framework within which manufacturing, processing, fabrication, repair, retrofit, and other industrial uses can be undertaken.

(Ord. 5/9/1972, §310; as amended by Ord. 12/12/1991B, §6; and by Ord. 9/9/2004, §8

---

<sup>8</sup> Editor's Note: See 3 P.S. §951 et seq.



## **Part 4**

### **Use Regulations**

#### **§400. Applicability.**

Except as provided by law or in this chapter, no building, structure or part thereof, or land in each district shall be used or occupied, erected, constructed, reconstructed, demolished, moved, or structurally altered except for the purposes permitted in the district in the section of this Part applicable thereto and in full conformity with all of the regulations herein and only upon issuance of a zoning permit as required herein. Site preparation, including excavation of areas intended for development, shall not be commenced until approval of a land development plan and/or issuance of a zoning permit as required herein or in Chapter 22; provided, however, that this shall not preclude the development of a driveway where a driveway permit has been approved by the Township Roadmaster.

(Ord. 5/9/1972 §400; as amended by Ord. 12/12/1991B, §7; and by Ord. 9/9/2004, §9)

#### **§401. Permitted Uses.**

1. Uses permitted by Right – A use listed in §402 is permitted by right in any district under which it is denoted by the letter “P”, subject to all applicable requirements contained within this chapter and after a zoning permit has been properly issued.
2. Conditional Uses – A use listed in §402 is permitted by right in any district under which it is denoted by the letter “C”, provided the Board of Township Supervisors, in accordance with §1003, authorizes the issuance of a zoning permit by the Zoning Officer and subject to all applicable requirements contained within this chapter.
3. Uses Permitted by Special Exception – A use listed in §402 is permitted in any district under which it is denoted by the letter “S”, provided the Zoning Hearing Board authorizes the issuance of a zoning permit by the Zoning Officer, subject to the specific requirements contained in the table of use regulations and in §1101(3), as well as all other applicable requirements of this chapter and such further restrictions that said Board may establish.

Any use existing on the effective date of this chapter which is classified as permitted by special exception in the district in which the land occupied by the use is located shall be deemed to have been granted a special exception subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or intensity of use or change in structure shall be subject to the procedure specified in §903(3) and §1101(3).

## ZONING

4. Uses not Permitted – A use listed in §402 is not permitted in any district under which it is denoted by the letter “N”.

(Ord. 5/9/1971, §410; as amended by Ord. 12/12/1991B, §8)

### §402. Table of Use Regulations.

	C	A	SR	VR	HC	I
1. Agricultural Uses.						
A. Animal Husbandry	P	P	S	N	N	N
The raising and keeping of livestock and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, provided, however, that intensive farming operations such as, but not limited to, feedlots, hog farms, poultry, etc., shall be subject to the requirements of §402(1)(E). Keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this chapter shall not be construed as animal husbandry; provided the minimum lot size shall not be less than 10 acres and, in SR Districts:						
(1) No raising of garbage-fed pigs or minks shall be allowed.						
(2) No barns, animal shelters, feed yards or other agricultural accessory buildings shall be located closer than 100 feet from any side or rear lot line.						
(3) The construction of new buildings which, by their size or nature, will inhibit future residential development should not be permitted.						
B. Kennel or Stable	P	P	N	N	N	N
Any lot on which animals are kept for riding, boarded or trained for a fee, whether in special buildings or runways or not, including, but not limited to, dog and cat kennels, horse stables or riding academies, clubs, associations, ranches or camps; provided no animal shelters or runs shall be located closer than 200 feet from any lot line.						
C. Crop Farming	P	P	P	P	P	—
The raising, keeping and sale of field, truck and tree crops.						

		C	A	SR	VR	HC	I
D.	Greenhouse	P	P	P	P	P	—
	Provided any goods sold in connection with such greenhouse in C, A, SR and VR Districts be subject to the provisions of §402(8)(C).						
E.	Intensive Agriculture and Agricultural Support	S	S	N	N	N	S
	Commercial feedlots, veal finishing, hog raising, poultry breeding or egg or meat production operations, livestock auctions, wholesale produce centers, fertilizer and seed distributors, commercial horse farms, grain storage and feed mills, and similar uses shall submit facility designs and legally binding assurances with performance guarantees which demonstrate that all facilities necessary for manure and wastewater management, materials storage, water supply and processing or shipping operations will be conducted without adverse impact upon adjacent properties. For purposes of this chapter, adverse impacts may include, but are not limited to, groundwater and surface water contamination, groundwater supply diminution, noise, dust, odor, heavy truck traffic, and migration of chemicals off-site. Intensive agriculture and agriculture support uses shall be subject to the following:						
	(1) Where such uses adjoin a residential district or highway commercial district the intensive agriculture and agriculture support activity, including manure management facilities, shall be set back 400 feet from the property line.						
	(2) Disposal of deceased animals and birds shall be within 24 hours of death in accordance with State and Federal regulations. While awaiting removal of deceased animals and birds, the facility operator or farmer shall secure the location of the deceased from unauthorized access or scavengers and take precautions to minimize odor or other noxious effects.						
	(3) Off-street parking and loading shall comply with Part 8 of this chapter.						
	(4) Signs shall be permitted only as specified in Part 7 of this chapter.						

		C	A	SR	VR	HC	I
	(5) A paved apron or gravel scraping area or other effective means of cleaning of mud and manure to prevent tracking off-site and onto public roadways shall be provided.						
	(6) Manure management facilities shall be designed, constructed and operated in compliance with Bureau of Water Quality Management Publication No. 43, "Manure Management for Environmental Protection," and any revisions, supplements, and replacement thereof, published by the Pennsylvania Department of Environmental Protection. Plans for manure management facilities and any changes thereto during construction shall be reviewed by the Columbia County Conservation District, with proof of their review prior to issuance of a zoning permit.						
	(7) Manure management facilities shall be secured from unauthorized access.						
F.	Nondomesticated Animal Shelter, Kennel or Preserve	S	S	N	N	N	N
	(1) Commercial breeding, training and sales of nondomesticated animals and wildlife, or the products thereof, shall require a permit, shall only be permitted as a special exception in accordance with §1101, Subsection 3, of this chapter and shall adhere to the requirements set forth hereinbelow. Nothing in this subsection shall be construed to regulate ordinary and customary raising and housing of domesticated pets, livestock or farm animals.						
	(2) Each species shall be listed on the application for a zoning permit. Subspecies may be added to the operation without a new permit, but the permittee shall notify the Zoning Officer at least five calendar days in advance of the receipt of such additional animals upon the premises, except for the acceptance of injured animals for purposes of rehabilitation sanctioned by the Pennsylvania Game Commission.						



C A SR VR HC I

- (3) The Zoning Officer shall periodically conduct an inspection of the operation and any premises where such non-domesticated animals are housed and/or secured.
- (4) All such nondomesticated animals shall be secured within a shelter facility and fenced enclosure of such construction and type of materials that are capable of restraining all types of species to be housed therein, whether of young or mature age. For certain species, a restraint system to prevent escape by climbing, jumping, or flying shall be necessary.
- (5) The type of shelter and/or enclosure shall be appropriate for the humane accommodation of each such species to be housed or secured therein. Incompatible animals shall be separated. The Zoning Officer may consult the Pennsylvania Game Commission, a licensed veterinarian, or the Pennsylvania Cooperative Extension Service for advice on the specific needs and restraints necessary to protect the animals and public safety.
- (6) It shall be the responsibility of the developer and the property owner to maintain the required or necessary fresh water supply and feeding facilities for all types and numbers of animals on premises at all times.
- (7) No animal shall be received upon the premises without prior vaccinations and health checks by a licensed veterinarian, except for the acceptance of injured animals for purposes of rehabilitation sanctioned by the Pennsylvania Game Commission. In such cases, the animals shall be quarantined until treated or determined to be disease-free. Documentation of such prior and ongoing medical checks shall be provided to the Zoning Officer upon request.

- (8) An adequate system for animal waste management and disposal of dead animals and diseased animal parts or tissue shall be specifically described in the application for a zoning permit and shall be maintained in fully operational condition at all times. Incineration or composting facilities or other methods, as approved by the Pennsylvania Department of Agriculture, may be permitted but shall be specified in the zoning permit application.
- (9) A visual buffer, preferably of natural vegetation, shall be provided for the protection of nearby properties and to avoid visual distractions of nearby motorists. It shall be the responsibility of the developer and the property owner to maintain the required buffers and security measures. Dead and severely damaged plant materials shall be replaced within one year of their original planting or subsequently within four months of the discovery of such mortality or damage. Landscaped areas and buffers shall be kept free of noxious weeds, dead material, fallen limbs, and trash. Where natural plant growth changes the actual buffer effect over time, the Zoning Officer may require supplementary plantings to preserve the intent and purposes of this chapter.
- (10) In the case of an animal preserve for controlled commercial hunting purposes, the operation shall be conducted in a manner which avoids any discharge of firearms or weapons which is unlawful or which would endanger nearby homes, businesses, farms, or farm animals.
- (11) In the case of an animal preserve for exotic animal predators, the operation shall be conducted in a manner which avoids any activity which is unlawful or which would endanger nearby homes, businesses, farms, or farm animals.

C    A    SR   VR   HC   I

- (12) The permittee shall demonstrate and document that the operation has complied with all federal and state laws and regulations pertaining to the animals to be held on the premises, including but not limited to laws on endangered species and regulations of the Pennsylvania Department of Agriculture.
- (13) Wildlife and raptor rehabilitators shall present any certifications required by the Pennsylvania Game Commission and shall maintain such certifications for as long as any such animals are held on the premises.
- (14) Upon termination of such operations, the permittee shall remove all animals and animal wastes and any facility which may pose an attractive nuisance or public safety hazard within 60 calendar days and notify the Zoning Officer, who may inspect the premises, as appropriate.
- (15) Annually, upon the anniversary of the date of zoning permit issuance, the permittee shall file with the Zoning Officer a request for renewal for one additional year. Such request shall not require further Zoning Hearing Board proceedings, and the Zoning Officer shall issue a permit renewal so long as the permittee has maintained the operation in compliance with this chapter.
- (16) Minimum lot requirements shall be one acre, unless commercial hunting is allowed, which then requires 200 acres.
- (17) Minimum yard requirements shall be 200 feet from all property lines for all principal use structures.

2. Residential Uses.

A.	Single-family Detached Dwelling	P	P	P	P	N	N
B.	Single-family Attached Dwelling	N	N	C	P	N	N

Provided:

- (1) Access to a sewage facility is immediately available.

## ZONING

		C	A	SR	VR	HC	I
	(2) No more than 6 dwelling units are attached in a single building.						
	(3) Minimum lot area per dwelling unit shall not be less than 4,000 square feet for end units and 2,000 square feet for interior units.						
	(4) One-family attached dwellings are permitted in SR and VR Districts only as a conditional use and as part of a cluster development under the provisions of §402(2)(G)						
C.	Conversion	S	S	S	S	S	N
	One-family dwellings converted for occupancy by not more than two families, subject to the following conditions.						
	(1) The lot area per family should not be reduced thereby to less than that required for the district in which such lot is situated.						
	(2) The yard, building area and other applicable requirements for the district shall not be reduced thereby.						
	(3) No structural alteration of the building exterior shall be made except as may be necessary for purposes of safety.						
	(4) Such conversions shall be authorized only for large buildings that have little economic usefulness as single-family dwellings or for other conforming uses (i.e., barns) erected prior to the adoption of this chapter.						
D.	Multifamily Dwellings	N	N	N	S	N	N
	Multiple-family dwellings, provided the following requirements are met.						
	(1) Access to a sewage facility is immediately available.						
	(2) The maximum number of dwelling units per acre shall not exceed 12.						
	(3) A maximum of 0.25 square feet of gross floor area shall be permitted for each square foot of lot area.						
	(4) At least 3 square feet of lot area per 1 gross square foot of floor area shall be open space.						

		C	A	SR	VR	HC	I
	(5) A maintenance plan shall be required as per §605.						
E.	Rooming House	S	P	P	P	N	N
F.	Group Home/Group Care Facility	S	S	S	S	N	N
	Group homes/group care facilities may be permitted only if the following criteria, in addition to all other applicable federal, state and local regulations, including but not limited to, are met:						
	(1) The lot upon which a group home/group care facility is to be located shall have a lot area at least equal to the minimum lot size for the district in which it is located plus an additional 800 square feet per resident.						
	(2) Residents of a group home/group care facility will normally remain in residence for at least 6 months, and a change of residents shall not routinely occur except in case of death, extended illness or disability.						
	(3) Residents shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share meal, recreational, sanitary and storage facilities and housekeeping responsibilities.						
	(4) Residents shall not receive regular medical treatment or psychological counseling on the premises nor shall the services provided be of such nature that constitute an institutional or residential treatment facility.						
	(5) Qualified adult supervision shall be provided at the facility on a continuous 24-hour basis.						
	(6) Sewage facilities shall be provided which are capable of treating the volume of wastewater generated at maximum occupancy. Where an existing sewage system is proposed to be utilized, inspection, testing and certification by the Township Sewage Enforcement Officer that the existing sewage system is adequate and suitable for the proposed use shall be required as part of the zoning permit application.						
	(7) No group home/group care facility shall be located within 1,000 feet of another similar use.						

		C	A	SR	VR	HC	I
	(8) All State licenses or permits shall be submitted as part of the zoning permit application. Any revisions to such licenses or permits shall be promptly provided to the Township Zoning Officer. Revocation or suspension of required State licenses shall result in the revocation of any permit issued by the Township.						
	(9) A maintenance plan shall be required as per §605.						
G.	Residential Treatment Facility	N	N	S	S	N	N
	Residential treatment facilities may be permitted only if the following criteria, in addition to all other applicable State and local regulations, are met:						
	(1) The lot upon which a residential treatment facility is to be located shall have a lot area at least equal to the minimum lot size for the district in which it is located plus an additional 1,500 square feet per resident.						
	(2) Residents of a residential treatment facility will normally remain in residence for at least 6 months, and a change of residents shall not routinely occur except in case of death, extended illness or disability.						
	(3) The zoning permit application shall specify the maximum number of residents or occupants to be housed or cared for at one time and shall indicate the specific type of care, counseling or treatment to be provided. Any subsequently-issued zoning permit shall apply to only the facility and applicant named, the premises designated, and for the activities and purposes listed in the application. No such permit or approval shall be transferable nor expandable to include additional categories of care or treatment or a greater number of occupants. Utilization of such a permit for any use or by any facility other than the applicant shall constitute a violation of this chapter.						
	(4) Residents may receive regular medical treatment or psychological counseling on the premises.						

C A SR VR HC I

- (5) Qualified adult supervision shall be provided at the facility on a continuous 24-hour basis.
- (6) Sewage facilities shall be provided which are capable of treating the volume of wastewater generated at maximum occupancy. Where an existing sewage system is proposed to be utilized, inspection, testing and certification by the Township Sewage Enforcement Officer that the existing sewage system is adequate and suitable for the proposed use shall be required as part of the zoning permit application.
- (7) No residential treatment facility shall be located within 1,000 feet of another similar use or group home/group care facility. A methadone treatment facility shall not be located within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility. The distance shall be measured from the lot line of the lot upon which another restricted or protected use exists and the lot line of the lot upon which a new restricted use is to be located.
  - (a) The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

- (b) Notwithstanding the foregoing, a methadone treatment facility may be established and operated closer than 500 feet from an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the Board of Township Supervisors votes in favor of the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than 500 feet from an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, following a public hearing regarding the proposed methadone treatment facility location, of which public notice shall be given. All owners of real property located within 500 feet of the proposed location shall be provided with written notice of said public hearing at least 30 days prior to said public hearing occurring.
- (c) This provision shall not apply to a methadone treatment facility that was licensed by the Pennsylvania Department of Health prior to May 15, 1999.
- (d) As used in this chapter, the term "methadone treatment facility" shall mean a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.



C A SR VR HC I

- (8) All State licenses or permits shall be submitted as part of the zoning permit application. Any revisions to such licenses or permits shall be promptly provided to the Township Zoning Officer. Revocation or suspension of required State licenses shall result in the revocation of any permit issued by the Township.
- (9) A written emergency response and evacuation plan covering all categories of emergencies shall be prepared and filed with the Township Zoning Officer and the Township Fire Chief, including all revisions and directives pertaining thereto from any regulatory agency having jurisdiction.
- (10) A maintenance plan shall be required as per §605.

## H. Cluster Development

N N P P N N

Planned development of single-family dwellings on lots with modified dimensional requirements, provided:

- (1) The tract of land to be developed shall be 5 acres or more in size.
- (2) Minimum lot sizes shall not be less than 2,000 square feet.
- (3) The maximum overall density shall not exceed 8 dwelling units per acre.
- (4) An amount of land shall be set aside as permanent usable open space. Such open space shall:
  - (a) Be suitable for use as a park, playground, pedestrian accessway, school or other similar public purpose or, because of its topography, vegetation or other natural character, be left open with no particular use assigned to it.
  - (b) Comprise at least 25% of the total development.
  - (c) Be subject to the open space management provisions of the Montour Township Subdivision and Land Development Ordinance.

## ZONING

		C	A	SR	VR	HC	I
I.	Mobile Home Park	N	N	N	S	N	N
	Must meet the requirements of the Township Subdivision and Land Development Ordinance. A maintenance plan shall be required as per §605.						
J.	Recreation Vehicle Park	P	N	N	N	S	N
	A lot or part thereof occupied or designed for occupancy by 1 or more recreational vehicles or other travel units, provided:						
	(1) The pertinent Sections of the Montour Township Subdivision and Land Development Ordinance are met.						
	(2) Spaces for use of recreational vehicles shall be rented for not longer than 1 camping season (6 months) maximum.						
	(3) The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be 10.						
3.	Institutional Uses.						
A.	Cemeteries	P	P	P	N	N	N
B.	Church	S	P	S	P	N	N
	Including convents, parish houses and other housing for religious personnel, subject to the following provisions.						
	(1) Minimum lot size shall be not less than 2 acres.						
	(2) Accessory housing shall be subject to the regulations contained in this Part applicable to the type of housing proposed.						
	(3) Where a church with related facilities is approved as a special exception, the church and all related facilities shall be located outside any park areas, trails or planned future public recreation areas; provided, however, that a related recreational facility may be located in a park area or planned future public recreational area if, and only if, such recreational facility will be available for public use.						
C.	School	C	S	S	S	S	N
	Schools shall be subject to the following provisions:						

C A SR VR HC I

- (1) The facility operator shall secure the location and premises from unauthorized access and take precautions to minimize public safety risks. A current facility security plan shall be submitted and maintained on file with the Township Police Department and the Columbia County Emergency Communications Center.
- (2) A land development plan shall clearly delineate a safe means of ingress and egress and on-site parking for vehicles, school buses, and students transported by private vehicle, including on-site safety measures for pedestrian movements.
- (3) Where a school is proposed as part of a multiple-use structure, the applicant shall provide documentation that the school portion complies with all applicable Pennsylvania statutes and regulations, including the Uniform Construction Code, Safe Drinking Water Act and Sewage Facilities Act.<sup>9</sup>
- (4) A land development plan shall clearly delineate adequate, safe and appropriate recreation equipment and facilities for the maximum expected enrollment.
- (5) A land development plan shall clearly delineate adequate drainage facilities and measures to maintain positive drainage controls which will prevent discharge of runoff onto adjacent property.
- (6) Specialized programs of study, such as vocational or technical, shall maintain continued compliance with the following minimum performance standards:
  - (a) The volume of sound inherently and recurrently generated shall be controlled so as not to create a nuisance to adjacent uses.
  - (b) Vibration shall not be discernible beyond the property line.

---

<sup>9</sup> Editor's Note: See 35 P.S. §7210.101 et seq., 35 P.S. §721.1 et seq., and 35 P.S. §750.1 et seq.

		C	A	SR	VR	HC	I
	(c) Toxic or hazardous matter shall be controlled so as to prevent danger to public health and safety.						
	(d) Smoke shall not be emitted in such quantity as would constitute a nuisance.						
	(e) Storage measures for flammable or explosive or caustic materials shall provide adequate safety devices against fire and explosion hazards.						
	(f) Burning of waste materials may be performed only in compliance with the Township Burning Ordinance. <sup>10</sup>						
	(g) Radioactivity and electrical disturbance shall be controlled to avoid any injury or disruption to adjacent owners.						
D.	Day-Care Center	S	S	S	P	N	N
	Day-care facilities shall be subject to the following provisions:						
	(1) The use shall be conducted in a building designed or converted to provide safe and healthful conditions and to be compatible with the neighborhood.						
	(2) Outdoor play and activity areas shall be sufficiently screened and sound-insulated so as to protect the neighborhood from noise and other disturbance.						
	(3) Where a day-care center with related facilities is approved as a special exception, the day-care center and all related facilities shall be located outside any park areas, trails or planned future public recreation areas; provided, however, that a related recreational facility may be located in a park area or planned future public recreational area if, and only if, such recreational facility will be available for public use.						
	(4) A maintenance plan shall be required as per §605.						
E.	Cultural Facilities	N	N	S	P	P	N

<sup>10</sup> Editor's Note: See Ch. 7, Part 1, Burning.

		C	A	SR	VR	HC	I
	Including art galleries, auditoriums, libraries, museums, community centers, adult education centers or other similar facilities open to the public or connected with a permitted educational, philanthropic or religious use.						
F.	Public Buildings Owned or operated by the municipality.	N	P	P	P	P	P
G.	Public Recreational Facility Owned and operated by an agency of the municipality or other government.	P	P	P	P	N	N
H.	Golf Course Not including a driving range or miniature golf course, provided: (1) The minimum lot size shall be 40 acres. (2) All buildings shall be not less than 100 feet from any lot line.	P	P	P	N	N	N
I.	Private Recreation Facility Including camps, parks and facilities operated in conjunction with a private club or lodge provided: (1) The minimum lot size shall be 5 acres. (2) All buildings shall be not less than 100 feet from any lot line.	P	P	P	P	N	N
J.	Private Club Operated for members only and not for profit.	N	N	N	C	C*	N
K.	Licensed Hospital Provided: (1) A lot area of not less than 5 acres shall be required. (2) Direct access to a collector road shall be available. (3) Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than 1,000 square feet per bed in use for such long-term care. (4) No building shall be located closer than 100 feet to any lot line.	N	N	C	C	N	N

## ZONING

		C	A	SR	VR	HC	I
L.	Nursing Home	N	C	C	P	N	N
	A nursing home (also commonly known as a convalescent home) is a licensed establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition. Provided, a lot area of not less than 1 acre or 2,000 square feet per patient, whichever is greater, is provided.						
4.	Office Uses.						
A.	Business Services	N	N	N	P	P	N
	Limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, including other wholesale business services predominantly office-oriented.						
B.	Professional Services	N	N	S	P	P	N
	Limited to offices of physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians and medical and related offices which do not involve the actual storage, exchange or delivery of merchandise on the premises.						
C.	Public Services	N	N	S	P	P	N
	Limited to governmental offices.						
D.	Bank or Other Financial Institution	N	N	N	S	P	N
E.	Health Services	N	N	N	S	P	N
	Limited to medical or dental offices, laboratories and clinics.						
F.	Veterinary Office or Animal Hospital	N	P	N	S	P	N
	Defined herein as any building used by a veterinarian for the treatment, housing or boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl, provided:						
	(1) If only small animals are to be treated (dogs, cats, birds and the like), such hospital or office shall have a minimum lot area as specified in §500 in the district in which it is located.						

		C	A	SR	VR	HC	I
	(2) If large animals are to be treated (cows, horses, pigs and the like), such office or hospital may be located only in an A District and shall have a minimum lot size of 5 acres.						
5.	Commercial Uses.						
A.	Shops and Stores	N	N	N	S	P	N
	For the sale of antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry notions, periodicals, stationery, tobacco, paint, apparel and similar items.						
B.	Personal Services	N	N	N	S	P	N
	Including barber shop, beauty parlor, laundry or cleaning agency, self-service laundry and similar uses.						
C.	Repair Services	S	P	N	S	P	P
	For appliances, furniture, watches, guns, bicycles, locks and similar items.						
D.	Restaurant	N	N	N	S	P	N
	Or other place for the sale and consumption of food and beverages but without drive-in or counter service (service at table or counter facilities only).						
E.	Drive-In Restaurant	N	N	N	N	P	N
	Or other place for the sale and consumption of food and beverages with drive-in or counter service.						
F.	Trade or Professional School	N	N	N	S	P	N
G.	Mortuary or Funeral Home	N	N	N	S	P	N
H.	Public Entertainment Facilities	N	N	N	C	C	N
	An activity operated as a gainful business, open to the public, for the purpose of public entertainment or recreation, including, but not limited to, motion picture theaters, health clubs, miniature golf courses, etc., but specifically excepting bowling alleys in the VR Districts, provided:						
	(1) All outdoor facilities shall be limited to HC Districts.						

# ZONING

		C	A	SR	VR	HC	I
	(2) In VR Districts, adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken.						
I.	Motel/Hotel  A building or group of buildings for the accommodation of transient guests (chiefly motorists) containing rooms for rent.	N	N	N	N	P	N
J.	Gasoline Service Station  A maintenance plan shall be required as per §605. Where gasoline, oil, grease, batteries, tires and automobile accessories are sold at retail and normal mechanical repairs are performed, but not including body work, painting, spraying or welding or storage of automobiles not in operating condition, provided:  (1) All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.  (2) Fuel pumps may be located within the front yard but shall be at least 20 feet from any street line.  (3) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.	N	N	N	N	S	N
K.	Automobile Washing Facility  Provided such use shall not present a potential threat to groundwater supply and quality in the vicinity. A maintenance plan shall be required as per §605.	N	N	N	N	S	S
L.	Automotive Repair Garage  A maintenance plan shall be required as per §605. Provided such use shall not include the storage of automobiles and other vehicles not in operating condition.	N	N	N	N	S	S
M.	Automotive Sales  A maintenance plan shall be required as per §605. Including sale and rental of automobiles, trucks, farm equipment, trailers and boats.	N	C	N	C	P	C
N.	Shopping Center	N	N	N	N	C	N



C    A    SR   VR   HC   I

A maintenance plan shall be required as per §605. Planned commercial development in the planning and developing of a tract of land under single ownership or agreement whereby various combinations of commercial uses utilize a reasonable degree of flexibility in the placement and inter-relationship of commercial uses and parking and loading facilities, provided permitted uses are limited to those permitted by this chapter in the district where such development is proposed.

O.	Adult Bookstore	N	N	N	N	C*	N
P.	Adult Motion-Picture Theater	N	N	N	N	C*	N
Q.	Cabaret	N	N	N	N	C*	N
R.	Commercial Use Self-Storage Units	N	S	N	N	P	P

Commercial self-storage units as a principal land use may be permitted in accordance with this chapter but shall also require approval as a land development in accordance with Chapter 22 of the Township Code of Ordinances and shall comply with the following requirements:

- (1) Hazardous materials shall not be stored in these units nor on the storage site.
- (2) Municipal solid waste, garbage, industrial residual waste, demolition debris and hospital waste shall not be stored in these units nor on the storage site.
- (3) Each storage unit shall be accessible directly from the service drive or parking area.
- (4) Design of the exterior structure(s), including roofline, materials, and overall size and shape, shall be reviewed by the Township Planning Commission with the objective of creating a quality appearance.
- (5) Perimeter fencing may be required by the Township Supervisors when determined necessary for public safety due to the location and nearby land uses.

- (6) Perimeter buffer screening may be required by the Township Supervisors when determined necessary due to the location and nearby land uses for protection of property values of adjacent uses.
- (7) All items shall be stored inside the storage structure(s), except stored motor vehicles, motor homes, boat trailers and camper trailers, so long as such items are enclosed within a security fence and were noted as part of the approved land development plan.
- (8) An on-site sewage system shall not be required unless there is an attendant working during times when the units are open for business.
- (9) An on-site water system shall be required which is capable of sustained flow and pressure to achieve cleaning of the units and common areas.
- (10) Such premises shall at all reasonable times be open for inspection by the Township Zoning Officer, Fire Chief or other duly authorized official or agent of the Township.
- (11) Storage units and all portions of the premises shall be maintained in an orderly, clean and sanitary condition and operated in such manner as to not create a public nuisance.
- (12) No burning of junk, unclaimed items, or trash shall be allowed.
- (13) A regular, ongoing vermin and vector control program shall be required, with documentation of such efforts to be maintained and available for inspection by the Township.

**C A SR VR HC I****NOTE:**

\* It shall be unlawful to establish an adult bookstore, an adult motion-picture theater or a cabaret within 1,000 feet of any existing adult bookstore, adult motion-picture theater or cabaret. It shall also be unlawful to establish an adult bookstore, an adult motion-picture theater or a cabaret within 500 feet of any school, church or residential district, unless a conditional use is first obtained in accordance with the procedure set forth in §1003, Subsection 1, hereof. The separation distance established above shall be measured from the lot line of the lot upon which another restricted or protected use exists and the lot line of the lot upon which a new restricted use is to be located. The Board of Supervisors may grant a conditional use to establish an adult bookstore, adult motion-picture theater or a cabaret within 500 feet of a school, church or residential district if and only if the following findings are made by the Board:

- (1) The proposed use will not adversely affect the safe and comfortable enjoyment of properties in the neighborhood and will not be detrimental to the general character of the area.
- (2) The establishment of the proposed use in the area will not be contrary to any program of neighborhood conservation and will not interfere with nor depreciate any investments of Township or other governmental funds for public facilities, community development, residential weatherization, fire and police protection or general community improvement. A maintenance plan shall be required as per §605.
- (3) The conditions set forth in §1003 of this chapter will be met.
- (4) All other applicable requirements of this chapter will be fulfilled.

## 6. Utilities.

A. Fire Station	P	P	P	P	P	P
B. Communication Facilities	P	P	S	S	P	P

Amateur radio (ham radio operator) towers or antennas which are under 75 feet in height are specifically exempt from the requirements herein to the extent established by federal law. Cellular phone antennas are permitted by right in all zones when installed on existing structures, such as power or other utility transmission towers or poles, silos, barns, churches, tall buildings and storage tanks, so long as other applicable provisions of this subsection are met. Telephone, cellular phone, telecommunication, telegraph, radio or television broadcasting towers and facilities, exchange equipment, antennas, microwave relay stations and the like, including new or substitute and upgraded/expanded replacement installations, may be permitted, provided:

- (1) In SR and VR Districts, such uses should be permitted only if essential to service such district.
- (2) In C, A, SR, and VR Districts, no public business office nor any storage yard or storage building shall be operated in connection with such use.
- (3) Buffering in accordance with §602 shall be required, and the siting of such facilities shall protect and preserve the visual and historic character of the Township by minimizing the visual and aesthetic or property value impact of all towers, exchange equipment, antennas, relay stations and related installations. Siting, design, camouflage techniques, and configuration of such facilities shall match or blend in with the characteristics of the area where located, including both man-made structures and the natural landscape, especially along ridges and tree lines.
- (4) Applicants for a permit for a new tower shall justify why sharing of any existing tower facility is not workable. Tower applicants shall also document that an exhaustive effort has been made to locate their antennas on existing structures such as barns, silos, power line towers, tall buildings, etc., before a permit may be granted to erect a new tower.

C A SR VR HC I

- (5) Towers shall not encroach into any airport approach glidepath.
- (6) State and federal permits or documentation that state and federal permits (including but not limited to the Federal Communications Commission and Federal Aviation Administration, with review by any local airport operator) have been secured or can be secured. However, issuance of state and federal permits shall in no way compel approval by the Township. If the applicable federal or state laws or regulations change, the owner of any tower and antenna and related facilities and equipment shall upgrade and modify the same to achieve compliance within six months, unless a different compliance schedule is mandated by the controlling federal or state agency. Failure to comply shall constitute cause for the Township to order removal of all such facilities and equipment at the owner's expense.
- (7) The applicant shall provide with the application a certification from a radio frequency engineer that the tower and all appurtenant equipment will not cause electronic interference with nearby properties.
- (8) Towers shall be designed and positioned so that they will not collapse onto adjacent property or public rights-of-way or create safety hazards. Monopole-type towers shall be designed with vertical overlap of ascending tower sections that will collapse upon and slide down over each lower section. Lattice-type towers shall be designed to bend and/or collapse upon the base rather than topple.
- (9) Tower designs and completed construction shall be certified and sealed by a qualified professional engineer licensed to practice in Pennsylvania to the effect that all support structures, tower, and all associated facilities, guy wires, ground connections/anchors, etc., are consistent with sound engineering practices and that the design takes into account the specific site conditions, both above and below ground.

- (10) Towers shall have at least one sign on each side at the base warning of possible electric shock or high-voltage hazards, where applicable.
- (11) Towers and any pre-existing tower or structure supporting the antennas shall be regularly maintained and inspected by a properly qualified professional at least annually for structural safety as a prerequisite for zoning permit renewal.
- (12) Any tower or antenna from which the FCC licensed equipment is not operated continuously for a period of six months shall be considered abandoned. Upon abandonment of use of the tower, the tower structure and all associated equipment shall be removed from the property within 90 days. The tower owner shall notify the Township Zoning Officer of discontinued use not later than 30 days following such use stoppage. If there are two or more users of a tower, this provision shall not apply until all users cease active commercial use of the tower.
- (13) Towers shall be designed at wind-design speeds for the area in which the Township is located, with appropriate safety factor (including all loads) and gust factor, assuming ice buildup, in compliance with applicable Federal Communications Commission regulations, BOCA (or International Building Code) and EIA/TIA - 222-F Design and Construction Standards, including concrete foundation curing time before loading.
- (14) Towers shall be sited in such manner as to utilize natural tree lines or forested areas to mask the visibility from the surrounding vicinity. Electrical power feed and telephone overhead lines shall be routed to new towers in such manner as not to cause problems for nearby properties, including drainage from access roads.

C A SR VR HC I

- (15) Tower height shall be limited to only that height necessary for the type of transmission and coverage needed to enable the provision of service to the community quickly, effectively and efficiently, and in no instance shall height exceed 250 feet. Where an existing structure is used for new antennas, this height limit shall not apply.
- (16) Signal transmission profiles and coverage analysis prepared by a qualified radio frequency engineer shall be submitted with the application to justify the need for a new tower amidst the pattern of existing towers.
- (17) New towers shall be designed to accommodate at least four additional carriers with inside or protected cable conduit in order to minimize the total density of towers in a given vicinity. In addition, new towers shall be encouraged to accommodate county and local public emergency services and law enforcement agencies, where needed.
- (18) New or replacement tower installations shall have clearly posted the emergency notification procedure and location of the responsible dispatching center, which is manned 24 hours per day, seven days per week. Such procedures and all revisions thereto shall be provided to the Emergency Management Coordinator.
- (19) Tower, antenna, power supply and all related facilities shall be maintained in compliance with all federal, state and local laws, regulations, ordinances and building codes to ensure public safety. Failure to comply shall constitute cause for the Township to require removal of any or all such facilities and equipment, at the owner's expense, within such time schedule as may be prescribed by the Township.
- (20) Towers, antennas and related equipment shall be regulated pursuant to this chapter and shall not be classified as public utilities or private utilities.

- (21) No antenna or tower shall be illuminated, except as required by the FAA or FCC, in which case the applicant shall present for Township selection alternative lighting options designed specifically to cause the least disturbance to the surrounding community. Technical specifications and illumination levels shall be presented to enable the Township to determine light intrusion into the community.
- (22) Advertising signs of any type shall not be permitted on the tower, antenna or accessory facilities.
- (23) Accessory structures and the fenced enclosure shall not be used for offices, vehicle storage, or other outdoor storage. Mobile or immobile equipment on site shall be limited to direct operational support type equipment, unless temporary in nature while repairs are underway.
- (24) Joint use of a site shall be prohibited when a proposed or existing use involves the storage, distribution or sale of volatile, flammable, explosive or hazardous materials, such as propane, gasoline, natural gas or dangerous chemicals.
- (25) The applicant shall provide a performance bond plus a tower removal bond designated for the Township in an amount determined by the Township Engineer to represent likely costs for corrective action by the Township.
- (26) The applicant shall provide a certificate of general liability insurance, naming Montour Township as an additional insured, in the amount of \$1,000,000.
- (27) A copy of any property lease or revision thereto for purposes of installation of communications antennas or tower(s) shall be provided to the Zoning Officer with the application, and, where applicable, a subdivision and land development plan shall be filed with the Township.



		C	A	SR	VR	HC	I
	(28) Any conditions of Zoning Hearing Board approval shall apply to the leasehold parcel of land, irrespective of lessee or term limit, and shall be binding upon the applicant, all assigns, successors and corporate affiliates or other licensees, agents and contractors.						
C.	Supply Utilities	S	S	S	S	S	S
	Including water supply works and storage, electric, gas or oil substations, plus necessary rights-of-way and transmission lines, provided:						
	(1) Except in the HC District, no public business office shall be operated in connection with such use.						
	(2) Storage yard or storage buildings may be operated in connection with such use only when such storage facility is essential to service customers in the district in which it is located.						
	(3) All transmission lines shall be underground.						
	(4) A 75-foot buffer yard shall be provided along all property lines.						
D.	Sanitary Utilities	C	C	C	C	C	C
	Including sewerage works, sewage pumping station, plus associated collection lines and rights-of-way, but not including refuse dumps, incinerators, solid waste transfer stations, solid waste processing facilities, or sanitary landfills.						
E.	Transportation Terminals	N	N	N	S	S	N
	Including bus, taxi and railroad terminals but excluding truck terminals. A maintenance plan shall be required as per §605.						
F.	Parking Lot	P	P	P	P	P	P
	When used as a primary use of the land provided:						
	(1) Such area will be used for the parking of cars of employees, customers or guests of existing establishments in the same district where the subject parking area is proposed.						
	(2) No charge shall be made for parking.						
	(3) No sales or service operation shall be performed.						

## ZONING

		C	A	SR	VR	HC	I
	(4) Such area shall meet the design standards of the Montour Township Subdivision and Land Development Ordinance.						
7.	Industrial Uses.						
A.	Manufacturing	N	S*	N	N	N	P
	Including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and other products. A maintenance plan shall be required as per §605.						
B.	Warehousing and Storage	N	S*	N	N	C	C
C.	Research, Testing or Experimental Lab	N	S*	N	N	N	S
D.	Contractor's Office and Storage	N	S*	N	N	P	P
	Such as building, cement, electrical, heating, plumbing, masonry, painting and roofing.						
	* When located in A Districts, industrial uses A through D may be permitted by special exception but shall be subject to the following conditions:						
	(1) The owner or other person having primary interest in the proposed industrial use shall reside on the same parcel of land therewith.						
	(2) Unless cause is shown to the contrary and specific limits are established, the operation of any such proposed industrial use shall be contained within buildings in existence.						
	(3) No property adjacent to the proposed use shall be adversely affected.						
	(4) Accessory sales usage is permitted but must be demonstrated to be clearly incidental to the primary industrial use.						
E.	Mill	N	P	N	N	N	P
	Where grain, lumber and similar products are stored or processed.						
F.	Junkyard	N	C	N	N	N	C

C A SR VR HC I

Any land, structure or land and structure in combination used for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material or materials which are used, salvaged, scrapped or reclaimed but are capable of being reused in some form, including, but not limited to, metals, aluminum and bimetal cans, pipe, pipe fittings, tires, motor vehicles and motor vehicle parts. The presence of 3 or more unlicensed, inoperable automobiles which do not have a current valid inspection sticker as required by the Pennsylvania Motor Vehicle Code on any 1 property shall also constitute a junkyard. Any site utilized for temporary storage of recyclable materials by a nonprofit group or organization actively engaged in conducting a recycling program shall not be deemed to be a junkyard. However, such group or organization may be required to show proof of an active ongoing recycling program. Accumulations of waste tires greater than 100 not regularly used for agricultural or industrial purposes on-premises shall constitute a junkyard for purposes of this chapter. No material which fails to meet this definition because it is discarded and incapable of being re-used in some form shall be placed in any junkyard. Municipal solid waste material failing to meet this definition shall be properly disposed at the disposal facility designated by the Montour Township Board of Supervisors in conjunction with any officially adopted Columbia County Municipal Solid Waste Management Plan. Junkyards and waste tire yards shall not be utilized for permanent disposal. Junk yards shall be subject to the following limitations and requirements:

- (1) License Required for Operation. No person shall engage or continue to engage in business as a junk dealer or establish or operate a junkyard in the Township except as authorized by this chapter without first having obtained a license therefor from the Township Zoning Officer.

- (2) License Application. Application for the license shall be made on forms prescribed by the Township and shall contain the applicant's name, address, name under which the junkyard will do business, address and precise location of the proposed junkyard, name and address of the owner(s) of said property, and upon any subsequent applications, a statement that the applicant, during the preceding term of the license, did comply with and maintain the premises in full compliance with the provisions of this chapter and all pertinent State and Federal laws and regulations. Each application shall have attached a site development plan prepared in accordance with the land development plan requirements of Chapter 22 of the Montour Township Code, of ordinances showing the placement and dimensions of all buildings, storage and operating areas. If the applicant is a partnership or association, the application shall furnish the above information for every member thereof. If the applicant is a business corporation, the application shall furnish the above information for each officer and director thereof. The application shall be signed by the applicant, if an individual, by all members if a partnership or association, and by the President and Secretary, if the applicant is a business corporation. A separate application shall be required for each junkyard.
- (3) Annual License Fee. An annual fee, as established by resolution of the Board of Supervisors, shall be paid for every license or renewal thereof issued hereunder. All licenses shall be issued for a term of one year beginning July 1 and ending June 30 of the following year. All licenses must be renewed annually on or before the first day of July. Each license shall be issued on the condition that it may be summarily revoked in the event that the licensee is found to have given any false information or in any way misrepresented any material fact which influenced the decision to issue the license.

C A SR VR HC I

- (4) License Posting. The license shall be conspicuously posted at all times upon the licensed premises showing the address of the premises licensed and the name of the licensee.
- (5) License Limited to Only 1 Location. No person shall, by virtue of 1 license issued to him, engage in business as a junk dealer in more than 1 location nor operate or maintain more than 1 junkyard within the Township, nor shall any person operate or maintain a junkyard in any location within the Township other than the place designated on the license.
- (6) License Transfer. No license issued by the Township shall be transferable by the licensee to any other person unless the transfer is approved in advance by the Zoning Officer. Any person desiring to transfer a license shall submit a license application as required in §402(7)(F)(2) of this chapter. In the event the application for transfer is approved the transferee shall immediately pay a transfer fee as established by resolution of the Board of Supervisors.
- (7) Records of Business Transactions Required. Every licensee hereunder shall keep and maintain on the licensed premises permanent records of all junk received at or removed from said premises. Such permanent records shall contain the name and address of the person from whom the junk was received or to whom the junk was delivered, the date of such receipt or delivery, and a reasonably full and complete description of every article or item and load of junk received or removed. Such records shall at all times be open to inspection by the Township Zoning Officer or other duly authorized official or agent of the Township.

- (8) **Junked Material Must Be Kept for 24 Hours After Receipt.** Every licensee shall keep and retain upon the licensed premises, for a period of 24 hours after the purchase, acquisition, or receipt thereof, every item or article of junk so purchased, acquired, or received upon the premises. The licensee shall be responsible to see that all such junk shall not be changed, reduced or altered in form, shape, or condition until such period of 24 hours shall have elapsed, except as required in §402(7)(F)(10) of this chapter.
- (9) **Inspection of Premises.** Such premises shall at all times be open to inspection by the Township Zoning Officer or other duly authorized official or agent of the Township.
- (10) **Standards for Development and Maintenance of the Premises.** Every licensee hereunder shall develop and at all times maintain the licensed premises in the manner hereinafter prescribed and in accordance with all State and Federal laws and regulations:
  - (a) No municipal solid waste, garbage, industrial residual wastes, sludges or organic wastes shall be purchased, acquired, received, stored or processed except for removal of unusable or nonrecyclable parts and incidental items contained within the primary junk article.
  - (b) No junk shall be stored, accumulated or processed within a one-hundred-year floodplain, within 300 feet of a wetland, stream, woodland, occupied dwelling or property line; provided, however, that nothing in this subsection shall apply to prevent the continued utilization of existing structures within established junkyards currently operating legally within Montour Township. Waste tire piles shall not be placed within 500 feet of a wetland, stream, woodland or occupied dwelling or property line.

C A SR VR HC I

- (c) Every structure erected upon the licensed premises and used in connection therewith shall be of fireproof construction.
- (d) The licensed premises shall be enclosed by a metal chain link fence constructed of and supported by heavy duty steel, or in lieu thereof, a solid masonry or metal wall of a design, texture, material, and color which is compatible with the natural setting of the site. Erection of such fence or wall shall be controlled by the setback provisions §402(7)(F)(2)(b), hereof, and shall be not less than 8 feet in height. The walls of such buildings used for offices, storage and other appropriate uses may form a portion of said fence or wall provided that such structures do not project into the setback areas required herein. Any gate or door to the junkyard shall be kept securely locked at all times when the junkyard is not in operation.
- (e) The area between the fence or wall required herein and any public right-of-way shall be planted with shrubbery, bushes or evergreens at reasonable intervals between each such plant so as to provide an effective visual screen of 75% opacity of the view of all stored materials or items and operating areas by the end of a 10-year growth period.
- (f) Such fences, walls and landscaping screens shall be regularly and frequently maintained and all dead or damaged plant material shall be replaced as needed.
- (g) In order to avoid visibility of junked vehicles and other materials and to provide for access by fire fighting equipment the placement of all junk and materials shall be prohibited on hillsides and on land greater than 15% in surface slope.

- (h) All junk shall be stored or arranged so as to permit access and maneuvering by fire fighting equipment plus effective fire fighting operations. Junk vehicles shall be placed in rows with minimum cleared isle widths of 25 feet when vehicle bodies are not stacked vertically, or 50 feet when vehicle bodies are stacked vertically. Vertical stacking is limited to 2 bodies which are not crushed and not more than 4 bodies which are crushed, or 15 feet maximum. Waste tire piles shall be limited to 15 feet in height and no greater than 10,000 square feet in area.
- (i) All junk shall be stored or arranged so as to prevent accumulation of stagnant water. A regular ongoing vermin and vector control program shall be required with documentation of such efforts maintained as part of the records to be available for Township inspection.
- (j) All gasoline and highly flammable liquid or gases shall be drained from all junk and junked vehicles and removed from the premises or properly stored in a manner approved by the Township Fire Chief within 12 hours from arrival of the junked vehicle or junk on the premises. No more than 50 gallons of gasoline, in aggregate, shall be stored above ground.
- (k) All weeds on the licensed premises shall be kept mowed and shall not be permitted to go to seed.
- (l) Such licensed premises shall be maintained in such a manner so as not to cause a public or private nuisance; a menace to the health or safety of persons on or off the premises; offensive or noxious sounds or odors; or a violation of any health or sanitation law, ordinance or regulation of Montour Township, Columbia County, the Commonwealth of Pennsylvania, or the United States of America.



C A SR VR HC I

- (11) Burning Restricted. No burning of junk, rubbish, garbage or other material connected with a junkyard shall be allowed.
- (12) Penalties. See §103 of this chapter.
- (13) Other Remedies. See §103 of this chapter.
- (14) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water or other natural causes. All paper, rags, cloth and other fibers or activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- (15) A maintenance plan shall be required as per §605.

## G. Sanitary Landfill or Incinerator

N C N N N C

Subject to the following requirements:

- (1) Such facility shall be established and operated in accordance with the applicable requirements of all regulating bodies such as the Pennsylvania Department of Environmental Resources. Such facility shall be established and operated in compliance with and specifically designated in the Columbia County Municipal Solid Waste Management Plan.
- (2) A lot area of not less than twenty-five acres shall be provided.
- (3) No sanitary landfilling operation or incineration shall take place within 200 feet of any street or property line.
- (4) The lot shall have direct access to either an arterial or major collector highway as shown in the Comprehensive Plan.
- (5) It shall be demonstrated that the use, because of its location and proposed method of operation, will not have an adverse effect upon any surrounding portions of Montour Township.
- (6) Such facility is part of a solid waste plan approved by the Township Supervisors.

		C	A	SR	VR	HC	I
	(7)	In addition to bonding requirements of the Pennsylvania Department of Environmental Resources the permittee shall post with the Township bond(s) equal to 100% of the cost of engineering services for the reconstruction or modification of any Township roads, drainage, and other related facilities needed as a result of the solid waste facility, as estimated by a professional engineer selected by the Township.					
	(8)	The permittee shall either construct according to the Township specifications, or compensate the Township in advance, for any road, drainage, or other facilities needed as a result of the solid waste facility.					
H.	Extractive Operations	C	C	N	N	N	C
	Including any open excavation such as quarries, strip mines and borrow pits, subject to the following requirements.						
	(1)	Operations – Extractive operations shall meet all development and performance standards of Part 6, except buffering as required in §602 which shall be as the Township Supervisors prescribe. All use of explosives and drilling or excavation techniques will not pose substantial likelihood of adverse impact upon adjacent and nearby properties and the groundwater resources in the vicinity.					
	(2)	Setbacks – No excavation, quarry wall, storage or area in which processing is conducted shall be located within 50 feet of any lot line, 100 feet of any street line nor 200 feet of any SR or VR District boundary line.					
	(3)	Grading – All excavations, except stone quarries, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.					
	(4)	Access – Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.					

C A SR VR HC I

- (5) Stone Quarries – Stone quarries whose ultimate depth shall be more than 25 feet shall provide the following:
  - (a) A screen planting within the setback area required in Paragraph (2) above shall be required. Such screen shall be no less than 25 feet in width and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
  - (b) A fence or suitable barrier of a type approved by the Board of Supervisors shall be placed at either the inner or outer edge of planting.
  - (c) Warning signs shall be placed on the fence at intervals of not less than 100 feet completely surrounding the area.
- (6) Proposed Usage – Any proposed or existing extractive operation proposed to expand beyond the limits prescribed in §903(2)(C), shall submit and have approved a site plan for use of the site following completion of extraction. Such plan shall show:
  - (a) Final grading by contours.
  - (b) Interior road pattern, its relation to operation yard and points of ingress and egress to State and Township roads.
  - (c) Estimated amount and description of aggregate and overburden to be removed.
  - (d) Ultimate use and ownership of site after completion of operation.
  - (e) Source of water if final plan shows use of water.

		C	A	SR	VR	HC	I
	(f) Plan of operation showing: (1) proposed tree screen locations; (2) soil embankments for noise, dust and visual barriers and heights of spoil mounds; (3) method of disposition of excess water during operation; (4) location and typical schedule of blasting; (5) machinery – type and noise levels; and (6) safety measures – monitoring of complaints.						
I.	Forestry Uses	P	P	P	P	P	P
	Commercial timber-harvesting operations are permitted by right in the Conservation, Agriculture and Industrial Districts and by special exception in all other districts, so long as compliance with these special regulations is maintained for the duration of all harvesting and required follow-up activities. Commercial timber-harvesting operations include cutting trees for sale as timber, pulp wood, cord wood or for any other commercial purpose.						
	(1) The following cutting and logging activities are exempt from these regulations:						
	(a) A person cutting on their own property or the property of another with permission for their own or their family's personal use.						
	(b) Clearing of a building pad for a home, garage, accessory building, farm structure, or recreational facility or other uses normally incidental to the residences or principal uses allowed in that district.						
	(c) Clearing for a garden or horticultural operations or other farming operations.						
	(d) Selective cutting of timber from a woodlot up to five acres for personal use or for sale as a cash crop.						
	(2) Commercial timber-harvesting operations shall be required to notify the Township Supervisors, in writing, prior to the start of any harvesting or site preparations in order to alert all parties if road limitations or impact might become a problem and to prevent such problems.						

C A SR VR HC I

- (3) Harvesting methods which prevent erosion and sedimentation, stimulate forest regeneration and maintain the natural resource quality and aesthetic beauty of Montour Township are generally permitted.
- (4) In accordance with Pennsylvania law, harvesting operators, whether commercial or private landowners, shall not drive logging equipment through or across watercourses or leave treetops which block watercourses.
- (5) Buffers of existing vegetation shall be left intact along streams, except for removal of hazard trees. For purposes of this chapter, "hazard trees" shall be defined as trees which pose a danger to life, property or utilities or may create or increase flood levels/damage.
- (6) The Zoning Officer shall, upon approval of the zoning permit, also issue a permit placard which the applicant shall post conspicuously at the point of nearest public access to the property to be timbered, such posting to occur at least three days in advance of the start of site preparation or timbering operations.
- (7) The zoning permit, where applicable, shall indicate the length of time anticipated to complete the harvesting activity and the time of year when the activity is scheduled.
- (8) A site restoration plan shall be submitted to the Township Zoning Officer as part of the initial permit application.
- (9) A performance bond, or other financial security acceptable to the Township, made payable to Montour Township, to cover repair and restoration of any Township roads and drainage or erosion control or stormwater management facilities used for access to logging operations, shall be submitted to the Township Secretary at least two weeks in advance of any site preparation work or harvesting operations.

		C	A	SR	VR	HC	I
	(10) Zoning permits issued for all such activities shall be valid for six months, unless otherwise extended by the Township Zoning Officer. There shall be a flat fee charge for such permits, in accordance with the applicable Township Fee Schedule. <sup>11</sup>						
8.	Accessory Uses						
A.	One-family Detached Dwelling	N	P	P	P	N	N
	Or mobile home for use as a residence by relatives, tenant farmer or employees of a farm or estate, provided:						
	(1) Such detached dwelling or mobile home meets all requirements of this chapter and other applicable ordinances or regulations except location on a separate lot.						
	(2) Only one of either an additional dwelling or mobile home is permitted unless permission for additional dwellings is specifically granted by the Zoning Hearing Board by special exception.						
B.	Home Occupation	S	S	S	S	S	S
	Activities customarily carried on in a dwelling unit and the dwelling for residential purposes, provided:						
	(1) The home occupation shall be carried on predominately indoors and predominately within the principal building in a manner and scale which does not materially change the neighborhood character.						
	(2) There shall be no maintenance of a stock in trade, no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted and regulated in Part 7; and there shall be no exterior storage of materials.						
	(3) Only minor alterations, additions or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation so long as said alterations, additions or changes are done in a manner and scale which does not materially change the neighborhood character.						

<sup>11</sup> Editor's Note: See Ch. 1, Part 6, Fee Schedule.

	C	A	SR	VR	HC	I
(4) No articles shall be sold or offered for sale except as may be produced on the premises.						
(5) No repetitive servicing by truck for supplies and materials shall be required.						
(6) The home occupation shall be carried on only by members of the immediate family residing in the structure.						
(7) Off-street parking is provided in accordance with Part 8 of this chapter.						
C. Drive-in Stand	P	P	P	P	P	P
Not exceeding 400 square feet of gross floor area for the sale of farm, nursery or greenhouse or craft products produced on the premises where offered for sale, provided:						
(1) The stand shall not be nearer than 50 feet of any intersection nor within 10 feet of any right-of-way.						
(2) The stand shall be of temporary construction but maintained in good condition.						
D. Principal Use as an Accessory Use	S	S	S	S	S	S
If any principal use listed in this table is proposed as an accessory use to another permitted principal use, permission to establish such proposed accessory use shall be granted only by special exception and provided clear demonstration that such use is related to, supporting of, yet clearly incidental to the principal use.						
(1) Home Business. Activities customarily carried on in conjunction with a dwelling or accessory structure at a volume or scale somewhat larger than a home occupation but clearly smaller than a freestanding business provided:						
(a) The home business shall be carried on in a manner and scale which does not materially change the neighborhood character, including the size and frequency of trucks which service the home business and the manner in which materials, supplies and products are stored.						

- (b) There shall be no use of show windows, display or advertising visible outside the premises to attract customers or clients other than the home business signs as permitted and regulated in Part 7.
- (c) Only minor alterations, additions or changes to the principal residential structure shall be permitted in order to accommodate or facilitate a home business so long as said alterations, additions or changes are done in a manner and scale which does not materially change the neighborhood character.
- (d) Only small scale outdoor storage which is completely screened from any exterior view outside the lot lines shall be allowed.
- (e) The home business shall be primarily conducted by members of the family residing at the premises and shall be limited to no more than 2 part-time employees who work at the premises less than 65% of a normal work week.

E. Accessory Uses P P P P P P

Including, but not limited to, non-commercial greenhouses, tool sheds, private garages, swimming pools or similar accessory structures and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use; provided that any use accessory to a use permitted only by special exception shall be established only if and as provided in such permit.

F. Temporary Structure or Use P P P P P P

A temporary permit may be issued for structures or uses accessory during construction or other special circumstances of a non-recurring nature, subject to the following additional provisions.

- (1) The life of such permit shall not exceed 6 months, renewable at 3 month intervals.
- (2) Temporary nonconforming uses shall be subject to authorization by the Zoning Hearing Board.



		C	A	SR	VR	HC	I
	(3) Such structure or use shall be removed completely upon expiration of the permit without cost to the Township.						
G.	Outside Storage or Display	N	P	N	N	P	P
	Other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use; provided no part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the required front yard shall be occupied by outside storage or display. In the HC Districts only:						
	(1) Outside storage and display areas shall occupy an area of less than one-half the existing building coverage.						
	(2) Outside storage and display areas shall be shielded from view from the public streets or adjacent residential districts.						
H.	Mobile Home or Recreational Trailer	P	P	P	P	P	P
	Storage of, subject to the following conditions.						
	(1) One unoccupied mobile home or recreational vehicle may be stored on a lot occupied by the owner of the recreational vehicle, provided such recreational vehicle shall be placed in such a position as to meet all dimensional requirements for the district within which it is located.						
	(2) In addition, one mobile home may be occupied temporarily by the owner of the land upon which it is to be placed during the construction of a permanent dwelling thereon. The permit for each placement of a trailer shall be for a period of not more than 90 days and shall be renewable for not more than two additional periods of 90 days each.						
I.	Off-Street Parking	P	P	P	P	P	P
	Subject to the provisions and requirements of Part 8.						
J.	Signs	P	P	P	P	P	P
	Subject to the provisions and requirements of Part 7.						

## ZONING

		<b>C</b>	<b>A</b>	<b>SR</b>	<b>VR</b>	<b>HC</b>	<b>I</b>
K.	Hazardous Materials Use, Storage, Production, Processing	S	S	N	N	S	S
L.	Clean Fill Disposal	S	S	S	S	S	S
	Clean fill disposal operations may be permitted only as special exceptions within those districts listed herein and are subject to the following:						
	<ol style="list-style-type: none"> <li>(1) Evaluation of the application for a zoning permit shall include the following requirements at a minimum and the Township may require such additional information as deemed necessary according to the site specific circumstances and the proposed use or development.</li> <li>(2) Traffic and environmental safety measures shall be provided; truck access and unloading shall be provided without adverse impact on adjacent roadways and properties.</li> <li>(3) Lighting for night operations and signs shall be positioned and designed to avoid glare and safety hazards on adjacent roadways or properties.</li> <li>(4) Fill material storage and disposal shall be provided without adverse impact upon adjacent roadways or properties.</li> <li>(5) All use of excavation and filling techniques shall not pose substantial likelihood of adverse impact upon adjacent and nearby properties and the groundwater systems in the vicinity.</li> <li>(6) All excavations and fill shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.</li> <li>(7) Reinforcement bars and wire mat shall be cut off flush with the masonry.</li> </ol>						
M.	Dependant Care Unit	S	S	S	N	N	N
	Within the R Residential, A Agricultural, and C Conservation Districts, dependent-care units may be permitted as a second principal or an accessory residence by special exception, subject to the following requirements:						
	<ol style="list-style-type: none"> <li>(1) A dependent-care unit shall be restricted to members of the immediate family.</li> </ol>						

C A SR VR HC I

- (2) Limitations and conditions for occupancy or continuation of occupancy shall be established by the Zoning Hearing Board, including but not limited to life tenure of the resident family member(s), prohibition of commercial rental or compensation, etc.
- (3) Where a dependent-care unit is to be connected to the existing on-lot sewage system for the principal residence, the applicant shall secure an on-lot sewage permit for the modification to connect such unit and a determination from the Township SEO that the existing system is not malfunctioning and can accommodate the anticipated additional sewage flows. Where a dependent-care unit is to be connected to the existing public Township sewage system for the principal residence, the applicant shall make application to the Township for adjustments to the number of equivalent dwelling units (EDU's) allotted to that principal residence in order to accommodate the dependent-care unit.
- (4) Where a dependent-care unit is to be connected to the existing water well for the principal residence, the applicant shall secure a plumber's opinion that the existing water system can provide the needed water for the extra persons. Where the existing system is not adequate, the applicant shall show evidence that the system has been enlarged to provide adequate water supply and water quality.
- (5) Where a live-in attendant is necessary, notification of the Zoning Officer and SEO is required in advance of such occupancy.
- (6) Off-street parking shall be provided in accordance with §800, Subsection 1, for residential uses, i.e., two spaces per dwelling unit plus one space per bed in the dependent-care unit.
- (7) Where a second residence is proposed, a land development plan shall be submitted in accordance with the Montour Township Subdivision and Land Development Ordinance.<sup>12</sup>

---

<sup>12</sup> Editor's Note: See Ch. 22, Subdivision and Land Development.

- (8) Where applicable, the zoning permit shall be issued as a temporary permit only, with the duration of the permit, as approved in the special exception by the Zoning Hearing Board, specifically noted on the permit.
- (9) If the duration of the zoning permit is limited to a specified use or family circumstance, when that circumstance no longer exists, the permit shall thereupon become null and void and shall be revoked by the Zoning Officer.
- (10) Where a freestanding temporary structure is proposed, the zoning permit may be limited to a specified structural type which will facilitate removal of the structure upon expiration of the zoning permit.
- (11) Restoration of the site to pre-existing conditions may be required by the Zoning Hearing Board where appropriate.
- (12) The Zoning Hearing Board may require, as a condition of approval, that the conditions of approval be recorded with the land development plan.
- (13) The Zoning Hearing Board may require, as a condition of approval, that the structure be restored to conform to the principal permitted use on that lot.

(Ord. 5/9/1972, §420); as amended by Ord. 7/16/82; by Ord. 12/15/1987; by Ord. 2/8/1990, §1; by Ord. 12/12/1991B, §9; by Ord. 7/10/1997, §§6, 7; and by Ord. 9/9/2004, §§10-20)

## Part 5

### Dimensional Requirements

#### §500. Compliance.

The regulations for each district pertaining to minimum lot size, minimum lot width, maximum lot coverage, maximum height and minimum yard space shall be as specified in the “Table of Dimensional Requirements” included in this section<sup>13</sup>. All uses and activities established after the effective date of this chapter shall provide for the minimum and not exceed the maximum dimensions specified. Innovative design of subdivisions or land developments which serves the purposes of this chapter and the Township Comprehensive Plan and is determined by the Board, upon the recommendation of the Planning Commission, to be in the public interest is to be encouraged and may be permitted.

1. Where the proposed innovative design is determined not to be generally consistent with the Comprehensive Plan one of the following conditions must be found to exist in order for the Township to approve the innovative design:
  - A. The Comprehensive Plan must be found to be not applicable in that particular instance.
  - B. The Comprehensive Plan did not address the issues raised in the proposed design and which, by virtue of new technology or contemporary design practice, will result in an improved quality of development without adverse effect upon the community or the environment.
2. In cases where provisions of Part 4, Part 11 or other Parts of this chapter provide dimensions differing from the general regulations specified in the table, such provisions shall take precedence.
3. Regulations applying to lots, buildings and uses in existence prior to the effective date of this chapter, or relevant amendments thereto, shall be governed by Part 9.
4. In cases where the site location, site characteristics, proposed use or intensity of use, or other factors warrant the Planning Commission, Zoning Hearing Board, or Board of Township Supervisors having appropriate jurisdiction may establish requirements or standards and regulate the siting, density and design as it may deem necessary to protect the public health and safety, to provide for reliable, safe and adequate water supplies, to preserve natural, scenic and historic values, to protect the environment, and to preserve forests, wetlands, aquifers and floodplains.

(Ord. 5/9/1972, §500; as amended by Ord. 12/12/1991B, §10)

---

<sup>13</sup> The Table of Dimensional Requirements is included at the end of this chapter.

**§501. Special Provisions.**

1. Height Exceptions. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, monuments, silos and domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads, similar features and necessary mechanical appurtenances normally built above the roof level. Such features, however, shall be erected only to such height as necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20% of the ground floor area of the building.
2. Special Front Yard Requirements.
  - A. Exceptions – If the alignment of two or more existing buildings on each side of a lot within a distance of 50 feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the average of such existing alignment within that distance shall be the required front yard.
  - B. Additional Setbacks<sup>14</sup> – For those properties fronting on arterial and collector highways identified in the Comprehensive Plan and as listed herein, minimum front yards shall be 50 feet in all districts, measured from the future right-of-way. Future rights-of-way shall be 100 feet for minor arterial highways, 80 feet for major collector highways, and 60 feet for minor collector highways, measured equally from the center line of the existing right-of-way.
    - (1) Minor Arterial Highways
      - (a) U.S. 11; All locations in Montour Township
      - (b) Pa. 42; All locations in Montour Township
    - (2) Minor Collector Highways
      - (a) Valley Road; that is T416
      - (b) Quarry Drive and Ridge Road; that is LR19119 (SR4004)
      - (c) Grovania Drive and Legion Drive; that is LR19025 (SR4002)
      - (d) Welliver Drive (from Ridge Road to Boone Drive to US 11); that is T-358

---

<sup>14</sup> See also Subdivision and Land Development, Chapter 22, §502(2).

3. Traffic Visibility; Clear Sight Triangle. In all districts, no structure, fence, planting or other structure shall be maintained between a plane two feet above curb level and a plane seven feet above curb level so as to interfere with traffic visibility across any corner created by the intersection of two or more streets or a street and driveway(s) within that part of the required front or side yard which is within a triangle bounded by the front and side lot lines and a straight line drawn between points on each such lot line 20 feet from the intersection of said lot lines or extension thereof.
4. Permitted Uses in Yards.
  - A. Projections – ground story terraces and unenclosed porches may project into any required yard not more than 1/2 its required dimension and not more than 10 feet in any case. Chimneys, flues, columns, sills and ornamental features may project not more than two feet into a required yard.
  - B. Fences – subject to §501(3), yard provisions shall not apply to hedges, fences or walls less than six feet high above the natural grade.
  - C. Accessory Buildings – completely detached accessory buildings may in no case occupy required front yards or side yard space directly adjacent to the principal building; but, in the case of rear yards, completely detached accessory buildings may extend into the rear yard a distance of 1/2 the normal rear yard requirement. Accessory buildings which are attached to the principal building may extend into the side or rear yard a distance of 1/2 the normal required yard but may in no case project into the front yard.
  - D. Outdoor Storage and Off-Street Parking – outdoor storage and off-street parking may project into any side or rear yard a distance of not more than 1/2 its required dimension.
5. Multiple Frontage Lots. On corner or double-frontage lots, each side of a lot having a street frontage shall meet the required front yard setback for that lot.
6. Spacing of Nonresidential Buildings. Where two or more main buildings for non-residential uses are proposed to be built upon a property in one ownership, front, side and rear yards are required only at lot lines abutting other properties.

(Ord. 5/9/1972; as amended by Ord. 5/13/1982, §4; by Ord. 12/15/1987; and by Ord. 12/12/1991B, §11)





## Part 6

### Performance Standards

#### §600. Compliance.

All uses and activities established after the effective date of this chapter shall comply with the following standards.

(Ord. 5/9/1972, §600)

#### §601. Abatement of Noxious Influences.

1. Noise. The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands stated below. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to the specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24.3 – 1944, American Standards Association, Inc., New York, New York; and the American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z 24.10-1953 American Standards Association, Inc., New York, New York shall be used.)

Sound-pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows: (All of the decibel levels stated below shall apply in each case.)

Frequency Bank (Cycles per Second)	Maximum Permitted Sound-Pressure Level (Decibels)
0 – 150	67
150 – 300	59
300 – 600	52
600 – 1,200	46
1,200 – 2,400	40
2,400 – 4,800	34
Above – 4,800	32

## ZONING

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein.

Type of Operation or Character of Noise	Corrections In Decibels
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	- 3
Noise occurs less than 5 percent of any one-hour period.	+ 5
Noise if of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse; and impulse peaks shall not exceed the basic standards given above.)	- 5

### 2. Smoke and Gases.

- A. No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any 30 minute period.
- B. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, animals, vegetation or property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission is herewith prohibited.
- C. No emission of liquid or solid particles from any chimney or other source shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in stack at full load.

### 3. Odor. No use shall emit odorous gases or leave open to the air other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the most restrictive provisions of Table III (odor thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists Association, Inc., Washington, D.C. All commercial, industrial and institutional uses shall also comply with the best available control technology requirements of the Pennsylvania Department of Environmental Resources, as published in Title 25 of the Pennsylvania Code of Regulations, Chapter 127.

### 4. Heat. No use shall produce heat perceptible and measurable beyond its lot lines including, but not limited to, radiant heat, reflected heat and/or solar gain, and heated water discharge to surface water.

5. Glare. No use shall produce a strong dazzling light or a reflection of a strong dazzling light beyond its lot lines.
6. Vibrations. No use shall cause vibrations exceeding the maximum values specified in this section. The requirements of the Surface Mining Conservation and Reclamation Act by the Pennsylvania Department of Environmental Resources, latest applicable revision, shall be in effect here. However, the vibrations as measured on any adjacent lot line are to be limited to 1.5 inches per second as measured by suitable properly calibrated instrumentation. Further, at the discretion of the Supervisors, this value of 1.5 inches per second may be revised to a reasonable lower value.

(Ord. 5/9/1972, §610; as amended by Ord. 12/12/1991B, §12)

#### **§602. Buffering, Screens, Fences and Walls.**

1. When Required. In general, buffering, either in the form of yard space or screening, is required in commercial and industrial districts along district boundaries between themselves and residential districts and along public streets.
  - A. Buffer yards shall be required in HC Districts when abutting SR and VR Districts.
  - B. Screening shall be required in Industrial Districts when abutting SR and VR Districts.
  - C. Where railroads or rivers serve as district boundaries, no buffering is required along such boundary.
  - D. Where streams or other bodies of water serve as district boundaries, such stream or body of water may serve to meet the buffering requirements, provided, approved by special exception.
2. Buffer Yards. A buffer yard is yard space as defined in §201 but whose dimension normally exceeds the normal building setback requirements.
  - A. Buffer yards shall be at least 50 feet in width, measured from the applicable district boundary line. Buffer yards may be coterminous with required front, side or rear yards but in no case shall the combined width be less than 50 feet.
  - B. In all buffer yards, the exterior twenty-five-foot width shall be planted with grass seed, sod or ground cover and maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.

## ZONING

- C. Passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior twenty-five-foot width.
  - D. Within the exterior 25 feet, screening in accordance with §602(3) shall be included.
3. Screening.
- A. Along the border of two different land uses, the developer shall provide a landscaped buffer area of low and medium height shrubs and evergreen trees together with canopy trees designed to produce, by the end of a ten-year growth period, the screening opacity level as required by the approved land development plan. The following table is intended as a guide for review of such plan and indicates the opacity levels as a percentage number.

TABLE

Proposed Land Use	Existing Adjacent Land Use						
	AG	C	HC	SR	VR	I	P
Agriculture (AG)	0	0	0	25	50	00	E
Conservation (C)	0	0	75	25	50	25	R
Highway Commercial (HC)	25	75	25	50	75	25	C
Industrial (I)	25	25	25	50	75	0	E
Suburban Residential (SR)	25	25	50	25	25	50	N
Village Residential (VR)	50	50	25	25	25	75	T

- B. Screens. Screens shall meet the following requirements:
  - (1) Screens shall be positioned so as to allow mowing and maintenance on the outboard side without the necessity to cross over the property line. Except when the screen is used for an agricultural purpose, including but not limited to containing and controlling livestock, protecting crops, and delineating a farm boundary line, and except as provided in §602, Subsection 3B(4) below, a minimum of a five-foot setback from the property line, including all outer limbs of any vegetative screens at maturity, shall be required.
  - (2) The screen planting shall be broken only at points of vehicular or pedestrian access.
  - (3) All screens shall be maintained to fulfill the functional purpose of that specific screen. The Zoning Officer shall direct the repair and maintenance of any screen which the Officer deems in need of such work.

- (4) A screen may be permitted on the property line if:
  - (a) An easement is granted by the adjacent property owner(s);
  - (b) Such easement is duly recorded in the office of the Recorder of Deeds of Columbia County.
  - (c) Documentation of the said recorded easement is submitted with the zoning permit application.
- (5) The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year.
- (6) The height of screens shall be designed to blend compatibly with adjoining pre-existing screens.
- (7) In accordance with the provisions of §501, Subsection 3, a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
- C. Fences and screens, except agricultural and agricultural boundary line fences, shall be positioned so as to allow mowing and maintenance on the outboard side without the necessity to cross over the property line. A minimum of five feet setback from the property line, including all outer limbs of any vegetative screens at maturity, shall be required.
- D. The height of fences and screens shall be designed to blend compatibly with adjoining pre-existing fences and screens.
- E. Fences and screens shall be designed and positioned so as to respect the need for solar access and right to scenic view of adjoining pre-existing developments.
- F. In accordance with the provisions of Section 501(3), a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
- G. The screen planting shall be broken only at points of vehicular or pedestrian access.
- 4. Fences and Walls.
  - A. Fences and walls, except agricultural and agricultural boundary line fences, shall be positioned so as to allow mowing and maintenance on the outboard side without the necessity to cross over the property line. A minimum of a five-foot setback from the property line shall be required, unless specifically permitted as per §602, Subsection 4I.

## ZONING

- B. The height of fences and walls shall be designed to blend compatibly with adjoining pre-existing fences and walls and shall average not higher than six feet in residential developments or eight feet in commercial and industrial developments. In all other areas, the height shall average not higher than six feet, with the exception of agricultural fencing.
- C. In accordance with the provisions of §501, Subsection 3, a clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets. All fences and walls shall be set back at least five feet from the edge of the right-of-way of any adjoining alley or street.
- D. Fences/walls having only one finished side shall be installed so that the finished side faces adjoining property and as viewed from any public travel corridor (e.g., road, alley, bikeway, or designated trail).
- E. All fences/walls shall be maintained to fulfill the functional purpose of that specific fence/wall. The Zoning Officer shall direct the repair and maintenance of any fence/wall which the Officer deems in need of such work.
- F. Security fences, for commercial, industrial, governmental or institutional purposes. Security fences not higher than eight feet and to be constructed of material with no sharp exposed edges and not electrified may be permitted of right by the Zoning Officer. Security fences higher than eight feet or to be constructed of material which has sharp exposed edges or to be electrified or solid fences/walls may be permitted as a special exception, upon submittal of the specific design and a site plan, if the Zoning Hearing Board determines that said fence/wall will not pose an undue safety hazard to adjacent property owners or the general public. Security fences/walls shall be designed to facilitate emergency access as determined necessary by the Montour Township Volunteer Fire Company Fire Chief and/or Police Chief.
- G. Security fences, for residential purposes. Security fences not higher than six feet and to be constructed of material with no sharp exposed edges may be permitted of right by the Zoning Officer. Security fences shall not be permitted higher than an average of six feet in residential neighborhoods. Security fences/walls shall be designed to facilitate emergency access as determined necessary by the Montour Township Volunteer Fire Company Fire Chief and/or Police Chief.
- H. Subject to §501, Subsection 3, and §602, Subsection 4A, the yard setback provisions do not apply to fences and walls.
- I. A fence or wall may be permitted on the property line if:
  - (1) An easement is granted by the adjacent property owner(s);
  - (2) Such easement is duly recorded in the office of the Recorder of Deeds of Columbia County;

- (3) Documentation of the said recorded easement is submitted with the zoning permit application.

- J. Fences with lockable gate(s) at a minimum of four feet high shall be installed around in-ground swimming pools. Fences shall not be required for above-ground swimming pools greater than four feet above grade, so long as a lockable gate is installed at the ladder.

(Ord. 5/9/1972, §620; as amended by Ord. 12/12/1991B, §13; and by Ord. 1/11/2007, §§2, 3, 4)

### **§603. Floodway Regulations.**

1. Purpose. The purposes of these regulations are:
  - A. To prevent the construction of improvements in locations where they would likely be damaged by floods or washed away and cause damage to downstream properties.
  - B. To prevent encroachments on floodways which would cause damage to other properties on the watercourse by increasing the height or the velocity of floods.
  - C. To prevent pollution of watercourses during floods by preventing the placing or storing in the floodway of unsanitary or dangerous substances.
2. Establishment of the Floodplain. For the purposes of this chapter, the floodplain shall be those areas identified as being subject to the one-hundred-year flood in the Flood Insurance Study prepared for the Township by the Federal Insurance Administration dated February 1, 1979. A map showing all floodplain areas is available for inspection at the Township Building. For the purposes of this Section the following nomenclature is used in referring to the various parts of the floodplain.
  - A. FW (Floodway Area) – the areas identified as “Floodway” in the Flood Insurance Study prepared by the FIA.
  - B. FF (Flood-Fringe Area) – the areas identified as “Floodway Fringe” in the Flood Insurance Study prepared by the FIA.
  - C. FA (General Flood Plain Area) – the areas identified as “Approximate one-hundred-year Flood Plain” in the Flood Insurance Study prepared by the FIA. Where the specific one-hundred-year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc. then the application for the proposed use, develop-

## ZONING

ment and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

3. **Changes in Floodplain Boundaries.** The areas considered to be flood-prone may be revised or modified by the Township where studies or information provided by a qualified agency or person documents the need or possibility for such revision. No modification or revision of any area identified as being flood-prone in Flood Insurance Study prepared by the Federal Insurance Administration shall be made without prior approval from the Federal Insurance Administration. Should a dispute arise concerning the identification of any flood-prone area, an initial determination shall be made by the Zoning Officer and any person aggrieved by such decision may appeal to the Township. The burden of proof shall be on the appellant. All costs incurred by the Township in having any area considered to be flood-prone revised or modified shall be borne by the person seeking such revision.
4. **Floodplain Requirements.** No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management, and Storm Water Management, as specified in the Dam Safety and Encroachments Act, 32 P.S. §693.1 et seq., as amended.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to any alteration or relocation of any water-course.

Premises in the floodplain may be used for the purposes specified for the particular zoning district in which they are located, subject to all pertinent regulations of this chapter and the following additional restrictions:

- A. **Floodway.** Within any designated floodway (FW) no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements.
- B. **Elevation and Floodproofing Requirements.**
  - (1) **Residential Structures** – Within any FW, FF, or FA area, the lowest floor (including basement) of any new or improved residential structures shall be at least one foot above the one-hundred-year flood elevation. If fill is used to elevate a structure it shall consist of soil or rock materials only; sanitary landfills shall not be permitted in the



floodplain. In addition, fill shall be used only in accordance with §505 of the Montour Township Subdivision and Land Development Ordinance and the provisions of this subsection.

- (a) Fill material shall be compacted and appropriately seeded to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (b) Fill shall be used only to the quantity and extent to which it does not adversely affect or create a hazard to adjacent properties.
- (2) Nonresidential Structures – Within any FW, FF, or FA area, the lowest flood (including basement) of any new or improved nonresidential structure shall be at least one foot above the one-hundred-year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled “Flood-proofing Regulations” (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.
- C. Anchoring. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement. All air ducts, large pipe, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- D. Storage. No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be stored less than one foot above the one-hundred-year flood elevation.
- E. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- F. Electrical Systems and Components. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located less than one foot above the one-hundred-year flood elevation. Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.
- G. Plumbing. No part of any on-site sewage disposal system shall be located within any identified floodplain area. Water supply systems and sanitary

## ZONING

sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

- H. Heating Systems. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located less than one foot above the one-hundred-year flood elevation. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

### 5. Special Requirements for Mobile Homes.

- A. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement in accordance with the following, or equivalent, standards:
  - (1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations for units 50 feet or more in length, and one additional tie per side for units less than 50 feet in length.
  - (2) Frame ties shall be provided at each corner of the mobile home, with five additional ties per side at intermediate locations for units 50 feet or more in length, and four additional ties per side for units less than 50 feet in length.
  - (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:
  - (1) The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at least one foot above the elevation of the one-hundred-year flood.
  - (2) Adequate surface drainage is provided.
  - (3) Adequate access for a hauler is provided.
  - (4) Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than 10 feet apart; reinforcement shall be provided for pilings that will extend for six feet or more above the ground level.
- C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township for mobile home parks and mobile home subdivisions where appropriate.

- D. No mobile homes shall be placed in any designated Floodway area.
6. Existing Structures in Floodplain Areas. Structures existing in any identified flood-prone area prior to the enactment of this chapter, but which are not in compliance with these provisions, may continue to remain subject to the following restrictions:
- A. Existing structures located in any identified floodway area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
  - B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
  - C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this chapter.
7. Development Which May Endanger Human Life.
- A. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this chapter, or any other ordinance, code, or regulation.
  - B. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:
    - will be used for the production or storage of any of the following dangerous materials or substances; or,
    - will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
    - will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this Section in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
      - (1) Acetone
      - (2) Ammonia
      - (3) Benzene

## ZONING

- (4) Calcium carbide
  - (5) Carbon disulfide
  - (6) Celluloid
  - (7) Chlorine
  - (8) Hydrochloric acid
  - (9) Hydrocyanic acid
  - (10) Magnesium
  - (11) Nitric acid and oxides of nitrogen
  - (12) Petroleum products (gasoline, fuel oil, etc.)
  - (13) Phosphorus
  - (14) Potassium
  - (15) Sodium
  - (16) Sulphur and sulphur products
  - (17) Pesticides (including insecticides, fungicides and rodenticides)
  - (18) Radioactive substances, insofar as such substances are not otherwise regulated.
- C. Within any Floodway District (FW) any structure of the kind described in Subsection (B) above, shall be prohibited.
- D. Where permitted within any Flood-Fringe District (FF) or General Flood-plain District (FA), any structure of the kind described in Subsection (B) above, shall be:
- (1) elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood, and,
  - (2) designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication

“Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

- E. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

8. Activities Requiring Special Permits.

- A. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this chapter, or any other ordinance, code, or regulation.
- B. Identification of Activities Requiring a Special Permit in accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any Floodplain District:
  - (1) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
    - (a) Hospitals
    - (b) Nursing homes
    - (c) Jails or prisons
  - (2) The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.
- C. Application Requirements. Applicants for Special Permits shall provide five copies of the following items:
  - (1) A written request including a completed Building Permit Application Form.
  - (2) A small scale map showing the vicinity in which the proposed site is located.
  - (3) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
    - (a) North arrow, scale and date;

## ZONING

- (b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
  - (c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - (d) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - (e) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - (f) The location of the flood plain boundary line, information and spot elevations concerning the one-hundred-year flood elevations, and information concerning the flow of water including direction and velocities;
  - (g) The location of all proposed buildings, structures, utilities, and any other improvements; and
  - (h) Any other information which the municipality considers necessary for adequate review of the application.
- (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (a) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
  - (b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - (c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred-year flood;
  - (d) Detailed information concerning any proposed flood-proofing measures;

- (e) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - (f) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - (g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (5) The following data and documentation:
- (a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
  - (b) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood;
  - (c) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred-year flood, including a statement concerning the effects such pollution may have on human life;
  - (d) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred-year flood elevations and flows;
  - (e) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows;
  - (f) The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";
  - (g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Re-

## ZONING

sources to implement and maintain erosion and sedimentation control;

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

D. Application Review Procedures. Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

- (1) Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations.

Copies of the application shall also be forwarded to the Township Planning commission and Township Engineer for review and comment.

- (2) If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.
- (3) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- (4) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered mail, within five working days after the date of approval.
- (5) Before issuing the Special Permit, the Township shall allow the Department of Community Affairs 30 days, after receipt of the notification by the Department, to review the application and the decision made by the Township.
- (6) If the Township does not receive any communication from the Department of Community Affairs during the thirty-day review period, it may issue a Special Permit to the applicant.
- (7) If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township, and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.



- E. Technical Requirements for Development Requiring a Special Permit. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.
- (1) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
    - (a) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
      - (i) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
      - (ii) The lowest floor elevation (including basement) will be at least 1 1/2 feet above the one-hundred-year flood elevation.
      - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
    - (b) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
  - (2) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.
- F. Except for a possible modification of the freeboard requirement involved, no variance shall be granted from any of the other requirements of this Section.

(Ord. 5/9/1972, §630; as amended by Ord. 7/6/1979A; by Ord. 11/10/1983; by Ord. 12/15/1987; and by Ord. 12/12/1991B, §14)

#### **§604. Natural Hazards.**

1. Natural hazards include, but are not limited to, unstable slopes and soils, sink-holes, extremely steep slopes (generally 25% slope or greater, except as may be

## ZONING

specified elsewhere in this chapter or in Chapter 22), unstable soils, and those non-floodplain areas prone to sudden and intensive overland sheet flow of storm-water.

2. Land uses, activities and developments which may be vulnerable to or aggravate natural hazards shall not be located or expanded in areas prone to natural hazards.
3. All excavation, fill, driveways, roads, and buildings shall be positioned not closer than 100 feet from such natural hazard.
4. It shall be the responsibility of the applicant or developer to determine or cause to be determined whether any such natural hazard(s) exist in close proximity to the proposed development site. Should such natural hazards be found the applicant shall present a professional certification, from the appropriate specialized professional qualified to assess the degree of hazard, that the proposed land use, activity or development as located and designed will not endanger the public or adjacent properties.

(Ord. 5/9/1972; as added by Ord. 12/12/19918, §15)

### **§605. Maintenance.**

Multiple-family developments, apartment buildings, mobile home parks and selected residential, institutional, commercial and industrial developments which are owned by a single person, partnership, association, congregation, cult, sect or corporation shall submit, as part of the zoning permit application, a maintenance plan for the development. Where the Zoning Officer finds that an approved required maintenance plan has not been regularly implemented or that preexisting multiple-family developments, apartment buildings, mobile home parks and selected residential, institutional, commercial and industrial developments contain or have created a public health or safety hazard or public nuisance, the Zoning Officer may order said property owner to clean up the property and abate such health or safety hazard or public nuisance. Where the property owner fails to comply with said order the Zoning Officer may suspend or revoke the zoning permit or initiate such civil proceedings as necessary to remedy the problem.

1. For purposes of this chapter accumulations of trash, garbage, rags, debris, junk, junked vehicles, waste tires, human or animal waste, dead animals, singularly or in combination, and such other conditions as harbor or promote the breeding of rodents, vectors and vermin or as determined by the Pennsylvania Department of Health shall constitute a public health hazard and a public nuisance.
2. For purposes of this chapter, accumulations of paper, trash, debris, rags, and other flammable or spontaneously combustible materials or explosives not properly stored shall constitute a public safety hazard.

(Ord. 5/9/1972; as added by Ord. 12/12/1991B, §16; and as amended by Ord. 7/10/1997, 7/10/1997, §8)

**§606. Receiving and Shipping, Cleaning, Repair or Overhaul, Dispatching, Refueling, Distribution, Transfer and Trucking Related Activities or Terminal Operations.**

Trucking and trucking-related activities and operations, regardless of which zoning district, whether an accessory or principal use, whether pre-existing or subject to zoning permit requirements hereafter, shall be required to comply with the following standards:

1. All such activities and operations shall be conducted in a manner which avoids the creation of or aggravation of any public health or safety hazard or public nuisance.
2. All such activities and operations shall be conducted in a manner which avoids the creation of any adverse impact or threat to the natural environment.
3. All such activities and operations shall be conducted in a manner which avoids the creation of conditions which impair the enjoyment or productive use of adjacent properties, or generate added cost to the owners or tenants of adjacent properties to conduct such uses and activities as permitted by this chapter for the district in which the property is situated.
4. All such activities and operations, whether owned by a single person, partnership or corporation, shall submit as part of the zoning permit application a maintenance plan for the development or operation. Where the Zoning Officer finds that an approved required maintenance plan has not been regularly implemented or that pre-existing trucking and trucking-related activities and operations contain or have created a public health or safety hazard or public nuisance the Zoning Officer may order said property owner to clean up the property and abate such health or safety hazard or public nuisance. Where the property owner fails to comply with said order the Zoning Officer may revoke the zoning permits and the Township may initiate such proceedings as are necessary to abate the problem.

(Ord. 5/9/1972; as added by Ord. 12/12/1991B, §17)

**§607. Commercial or Industrial Washing, Cleaning, Repair, Fabrication, Service, Refueling or Outdoor Display of Vehicles.**

Commercial vehicle washes, repair, service, refueling, outdoor display, industrial vehicle cleaning, fabrication and related activities, regardless of which zoning district, whether an accessory or principal use, whether pre-existing or subject to zoning permit requirements hereafter, shall be required to comply with the following standards:

## ZONING

1. All such activities and operations shall be conducted in a manner which avoids the creation of or aggravation of any public health or safety hazard or public nuisance.
2. All such activities and operations shall be conducted in a manner which avoids the creation of any adverse impact or threat to the natural environment.
3. All such activities and operations shall be conducted in a manner which avoids the creation of conditions which impair the enjoyment or productive use of adjacent properties, or generate added cost to the owners or tenants of adjacent properties to conduct such uses and activities as permitted by this chapter for the district in which the property is situated.
4. All such activities and operations, whether owned by a single person, partnership or corporation, shall submit as part of the zoning permit application a maintenance plan for the development or operation. Where the Zoning Officer finds that an approved required maintenance plan has not been regularly implemented or that pre-existing commercial vehicle washes, repair garages or activities, service stations, refueling operations, fuel storage, outdoor display, industrial vehicle cleaning, fabrication and related activities and operations contain or have created a public health or safety hazards or public nuisance the Zoning Officer may order said property owner to clean up the property and abate such health or safety hazard or public nuisance. Where the property owner fails to comply with said order the Zoning Officer may suspend or revoke the zoning permit or initiate such civil proceedings as necessary to remedy the problem.
5. Special attention shall be directed to glare from outdoor display lighting and from solar reflection to avoid traffic safety hazards and unreasonable adverse effects on adjacent properties.
6. Vehicular maneuvering, including cleaning, customers waiting in queue, display operations, servicing, refueling and related activities shall be conducted wholly upon and within the permitted premises and shall not employ the use of public right-of-way or create traffic safety hazards during such activities and operations.
7. Cleaning and servicing of vehicles shall be done in a manner which collects and controls all wastewater and residues or chemicals with treatment and/or pre-treatment as required by the Department of Environmental Resources and any off-site sewage treatment facility to which the wastewaters are piped or transported.
8. Where such washing operations require more than five gallons per minute sustained water supply or 500 gallons of water storage, and are dependent upon groundwater withdrawal, an analysis of groundwater adequacy shall be prepared by a specialized professional of demonstrated qualifications and submitted as part of the zoning permit application. Where such operations propose to be served by a public water utility, evidence that the utility will provide such water service shall be submitted as part of the zoning permit application.

9. Fabrication and repair operations shall be conducted wholly upon and within the permitted premises and shall not employ the use of public right-of-way nor expose vehicle hulks, parts, components, etc., to public view or from adjacent properties. Screening and/or natural buffers shall be required along streets and roads in accordance with §602 at an opacity of 75%.
10. Refueling and fuel storage operations shall be conducted upon specially prepared areas designed to contain and control any spills and to facilitate recovery of spilled materials and liquids and fire fighting. Any proposed activities or operations shall be reviewed and approved by the Montour Township Fire Chief and a Pennsylvania State Fire Marshall.

(Ord. 5/9/1972; as added by Ord. 12/12/1991B, §18)

§608. Water Supply and Water Resource Protection.

1. Where new commercial or industrial (including resource extraction) development is proposed, it shall be the responsibility of the applicant to demonstrate that ground-water resources are adequate to support the level of development proposed with reliable, safe and adequate water service, unless water will be supplied by a certificated public utility or an existing state-permitted nontransient public water system.
2. Where new commercial or industrial (including resource extraction) development or a substantial change of use is proposed to use a water system other than on-lot wells, it shall be the responsibility of the applicant to demonstrate that a legally binding commitment from the water supplier to provide reliable, safe and adequate water service has been issued.

(Ord. 9/9/2004, §21)



## Part 7

### Signs

#### §700. Definitions

1. Sign Any permanent or temporary structure or part thereof or any device attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public.
2. Area of Signs
  - A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
  - B. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
  - C. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
3. Illumination of Signs
  - A. Directly Illuminated Sign. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including, but not limited to, neon and exposed lamp signs.

Festoon lighting is a directly illuminated sign comprised of either:

- (1) A group of incandescent light bulbs hung or strung overhead or on a building or structure or
- (2) Light bulbs not shaded, hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.

## ZONING

- B. Indirectly Illuminated Sign. A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs nor external to that lot. If such shielding device is defective, such sign shall be deemed to be directly illuminated sign.
  - C. Flashing Sign. An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use, but not including changeable copy signs.
  - D. Non-Illuminated Sign. A sign not illuminated either directly or indirectly.
4. Location of Signs
- A. On-Premises Sign. A sign which carries only messages incidental to a lawful use of the property on which it is located.
  - B. Off-Premises Sign. A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located.
  - C. Business Identification Sign. An on-premises sign which directs attention to a business, commodity, service, industry or other activity sold, offered or conducted other than incidentally on the premises upon which such sign is located or to which it is affixed.
5. Types of Signs
- A. Free-Standing Sign. A self-supporting sign resting on or supported by means of poles or standards on the ground.
  - B. Parallel Sign (Wall Sign). A sign mounted parallel to a wall or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted nor project more than 24 inches from its surface.
  - C. Abandoned Sign. A sign which no longer advertises a bona fide business, lessor, service, owner, products, use, or activity, for which no legal owner can be found.
  - D. Animated Sign. A sign with action or motion; revolving, flashing illumination, or color changes, requiring electrical energy, electronic, solar or manufactured sources of supply, but not including wind actuated elements such as flags, banners or other like items. For the purposes of this chapter, this definition shall not be meant to include public service signs such as time and temperature units or changeable message signs.
  - E. Awning Sign. A sign painted, printed, or embossed on or attached flat against the surface of an awning of non-rigid material serving as a shelter



from the elements and projecting from and supported by the exterior wall of a building.

- F. Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework.
- G. Billboards. See “Off-Premises Signs.”
- H. Changeable Copy Sign.
  - (1) Automatic. A sign on which the copy changes automatically on preset intervals on a lampbank or through mechanical or electronic means, e.g., time and temperature.
  - (2) Manual. A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.
- I. Construction Sign. A temporary sign, identifying a project sponsor, lending institution or funding agency, architect, contractor(s), subcontractor(s), and other party participating in the development of that project, and located on the property on which the construction is underway.
- J. Directional/Information Sign. A sign limited to instructions or facility location information which may contain the name or logo of an establishment or firm for the purpose of guiding visitors and deliveries, etc., e.g., parking or exit and entrance signs.
- K. Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign, including illuminated awnings.
- L. Incidental Sign. A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or hours of business sign.
- M. Marquee. Permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
- N. Political Sign. For the purposes of this chapter, a temporary sign used in connection with a local, State, or national election or referendum.
- O. Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- P. Public Service Sign. Message of a civic or philanthropic nature posted in the interest of community welfare.

## ZONING

- Q. Real Estate Sign. A temporary sign advertising the real estate upon which the sign is located (or in close proximity thereto and directing prospects to the property) indicating the property is for rent, lease or sale.
  - R. Roof Sign. Any sign erected over or on the roof of a building.
  - S. Skeleton Sign. An assembly of shapes and/or letters mounted on a frame without a solid background.
  - T. Temporary Sign. A sign which is intended to advertise community or civic projects, campaigns, events, etc., for a limited time as specified herein.
  - U. Vehicular Sign. A sign which is affixed to a vehicle in such a manner that the carrying of such sign is no longer incidental to the primary purpose of the vehicle, but becomes a primary purpose in itself and are regulated herein.
6. Other Terms.
- A. Clearance (of a sign). The smallest vertical distance between the grade of the adjacent street cartway edge (for streets or roads without curbs) or street curb and the lowest point of any sign including framework and embellishments, extending over that grade or horizontal plane.
  - B. Conforming Sign. A sign which was legally erected in accordance with Federal, State and local laws and regulations in effect at the time of erection of the sign.
  - C. Height (of a Sign). The vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
  - D. Illegal Sign. A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.
  - E. Maintenance. For purposes of this chapter the cleaning, painting, repair, and replacement of defective parts of a sign in a manner that does not alter the basic design or size of the sign.
  - F. Permit, Sign. A license granted by the State and/or Township to authorize a sign.
  - G. Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

(Ord. 5/9/1972, §700; as amended by Ord. 12/12/1991B, §19)

**§701. General Sign Regulations.**

1. Prohibition. Flashing Signs, festoon lighting and free-standing roof signs shall not be permitted in any district.
2. Obstruction. No sign shall be erected or maintained within a distance of 50 feet from the intersection of any street lines or the intersection of a street line and the edge of a private accessway unless the location of the sign is situated at least eight feet above the level of the street center line. Further, no sign shall be so located that it interferes with traffic through glare or obstruction or confusion with a traffic control device or by reason of design, illumination, shape or color create any other safety hazard.
3. Maintenance. All signs permitted in this Part must be constructed of durable materials and kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.
4. Nonconforming Sign. Signs existing at the time of passage of this chapter and which do not conform to the requirements of the chapter shall be considered nonconforming signs and, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be repainted or repaired, provided such repainted or repaired sign does not exceed the dimensions of the existing sign.
5. Separate Frontage. If an establishment has walls fronting on two or more streets, the sign area for each street may be computed separately.
6. Official Signs. No signs except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within street lines. This provision may be waived for parallel signs in areas where no yard setback is required.
7. Yard Requirements. No portion of any free-standing sign shall be located closer to any lot line than 1/2 the required yard for the district in which it is located. If this requirement cannot be met, then free-standing signs shall be prohibited on such properties.
8. Permits Required. All on-premises signs over six square feet in area and all off-premises signs regardless of size shall require the issuance of a zoning permit before erection or replacement. All signs must comply with all of the regulations contained herein, regardless of whether or not a permit is required. Sign permits shall expire June 30 of each year. The Zoning Officer shall inspect each sign and confirm that the sign complies with this chapter prior to issuance of a permit renewal. The fee for permit renewal shall cover the cost of the inspection and related processing expenses as established by the Board of Township Supervisors.
9. Certification Required. The application for permit for free-standing signs 50 square feet or larger or 15 feet high or higher, or any roof mounted sign shall re-

## ZONING

quire drawings certified by a qualified registered professional engineer or architect, licensed as such in the Commonwealth of Pennsylvania, that the proposed design meets or exceeds the standards herein, including the sign itself, structure, foundation and support, and constitutes a safe installation in accordance with the latest BOCCA standards.

10. Violations. When, in the opinion of the Zoning Officer, a violation of this chapter exists, the Zoning Officer shall issue a written order to the responsible party, specifying those sections of this chapter being violated. The order shall allow 30 days for correction of the alleged violation, except in the case of an imminent public safety hazard, or to appeal to the Zoning Hearing Board. When the Zoning Officer determines or has reason to believe that the sign creates an imminent public safety hazard an order and corrective action shall immediately be undertaken to remove the sign or correct said condition. Township expenses for such actions and subsequent inspection(s) shall be charged to the sign or property owner. If the full amount invoiced is not paid the Board of Supervisors may direct that civil enforcement proceedings be commenced and a lien placed against the property of the sign owner.
11. Indemnification and Insurance. All persons involved in the maintenance, installation, alteration or relocation of signs near or upon any public right-of-way or property or responding to an order issued hereunder shall agree to hold harmless and indemnify Montour Township, its officers and agents against all claims of negligence or damage, insofar as this chapter has not specifically directed the placement or design of a sign. A certificate of indemnification and a certificate of insurance protecting Montour Township against any liability herewith in a minimum of \$1,000,000 shall be submitted with the permit application.
12. Illumination Levels. No sign shall be illuminated in the C, A, SR, and VR Districts at a level greater than 20 footcandles. No sign shall be illuminated in the HC and I Districts at a level greater than 30 footcandles unless the fixture is shielded in such manner as to prevent glare and uncontrolled illumination greater than 30 footcandles at the property line nearest the sign.

(Ord. 5/9/1972, §710; as amended by Ord. 12/12/1991B, §20)

### **§702. Signs in Conservation, Agricultural and Residential Districts.**

1. On-Premises Signs. In C, A, SR, and VR Districts, no on-premises sign shall be permitted except as follows:
  - A. One non-illuminated sign advertising for sale agricultural produce raised on the premises where such sale is permitted, not to exceed 12 square feet in area.
  - B. Non-illuminated signs displayed strictly for the direction, safety or convenience of the public, including signs which identify restrooms, telephone

booths, parking area entrances or exits, freight entrances or the like, provided the area of any such sign shall not exceed two square feet.

- C. Flags representing governmental, educational or religious organizations.
- D. One non-illuminated sign posted in conjunction with door bells or mailboxes, provided the area of any such sign shall not exceed 36 square inches.
- E. One non-illuminated sign or indirectly illuminated sign displaying only the name and address of the occupant of a premises, provided the area of any sign shall not exceed 200 square inches. The provisions of §702(1)(H) do not apply to this type of sign.
- F. One non-illuminated or indirectly illuminated sign for home occupations or accessory offices indicating only the names of persons and their occupations, provided the area of any such sign shall not exceed four square feet.
- G. One non-illuminated or indirectly illuminated bulletin or announcement board or identification sign for a permitted nonresidential building or use, provided the area of any such sign shall not exceed 20 square feet.
- H. One non-illuminated or indirectly illuminated sign in connection with a lawfully maintained nonconforming use, provided the area of any such sign shall not exceed 12 square feet.
- I. One non-illuminated sign advertising the sale or rental of the premises upon which said sign has been erected or one sign indicating that said premises have been sold or rented, provided the area of any such sign shall not exceed six square feet and shall be removed within 20 days after an agreement of sale or rental has been entered into.
- J. One temporary non-illuminated sign erected in connection with the development or proposed development of the premises by a builder, contractor, developer or other persons interested in such sale or development, provided the area of any such sign shall not exceed 24 square feet and shall be removed within 20 days after the last structure has been initially occupied or upon expiration of the building permit, whichever is sooner.
- K. Temporary non-illuminated sign of mechanics or artisans may be erected and maintained during the period such persons are performing work on the premises upon which such signs are erected, provided such signs shall be removed upon completion of work by the mechanic or artisan and the total area of all such signs shall not exceed 24 square feet.
- L. Signs announcing no trespassing; signs indicating the private nature of a road, driveway or premises; and signs controlling fishing or hunting on the premises, provided the area of any such sign shall not exceed four square feet.

## ZONING

- M. Non-illuminated or indirectly illuminated memorial signs or historical signs or tablets.
- 2. Off-Premises Signs. Off-premises signs are not permitted except as follows: (Signs permitted within this section may also be on-premises signs.)
  - A. Signs necessary for the direction, regulation and control of traffic; street name signs, legal notices, warnings at railroad crossings; and other official signs which are similarly authorized or erected by a duly constituted governmental body.
  - B. Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained, provided:
    - (1) The size of any such sign is not in excess of eight square feet.
    - (2) The signs shall not be erected or displayed earlier than 70 days prior to the election to which they pertain.
    - (3) The erector of such sign or an authorized agent of the political party or candidate applies for and obtains a permit from the Zoning Officer, pays the filing fee and makes the deposit as prescribed in the Township's Fee Resolution. At the time the application is submitted, the erector or authorized agent shall indicate upon which streets such signs are to be located. If such signs are not removed within 20 days after the date of the election to which said signs relate, the Township shall have them removed and keep the entire deposit to reimburse the Township for expenses incurred by it.
  - C. Temporary non-illuminated signs directing persons to temporary exhibits, shows, events or proposed development located in the area may be erected, subject to the following requirements.
    - (1) Signs shall not exceed 32 square feet in area.
    - (2) Signs shall not be posted earlier than two weeks before the occurrence of the event to which it relates and must be removed within one week after the date of the exhibit, show or event. When related to a proposed development, such sign must be removed immediately upon sale or rental of the final unit in such development.
  - D. Non-illuminated signs used for directing patrons, members or an audience to service clubs, churches or other non-profit organizations, provided the signs shall indicate only the name of the facility and the direction to the facility and shall not exceed six square feet in area.
- 3. Types of Signs in Residential Districts

- A. Free-standing ground signs may not exceed six feet in height.
- B. Parallel signs or portions of such signs shall not be located above the ceiling of the ground floor of any building or more than 12 feet above the upper surface of the nearest curb, whichever is less.

(Ord. 5/9/1972, §702; as amended by Ord. 4/13/1989, §2; and by Ord. 12/12/1991B, §21)

**§703. Signs in Commercial Districts.**

- 1. On-Premises Signs. No on-premises signs shall be permitted in HC and CC Districts except as follows:
  - A. All signs permitted in §702 at the standards prescribed therein.
  - B. Parallel business signs, subject to the following provisions.
    - (1) The total area of any parallel sign shall not exceed two square feet for each foot of length of the front building wall or length of that portion of such wall devoted to such establishment, or length of a side wall to be used for placement of the sign or 150 square feet, whichever is smaller.
    - (2) No parallel sign shall be painted on or affixed to the inside or outside of windows in such districts.
  - C. Free-standing business signs, provided:
    - (1) The area of all such signs shall not exceed one square foot for each two feet of lot frontage nor exceed more than one square foot for each four square feet of the building side wall nearest which the sign is to be placed, whichever is smaller.
    - (2) Signs mounted or otherwise affixed to the roof of a building are permitted on one story buildings, provided such sign does not extend more than four feet above the roof line.
    - (3) The maximum height of free-standing business signs shall not exceed 14 feet.
  - D. Non-illuminated, indirectly illuminated or directly illuminated business signs.
- 2. Off-Premises Signs.

## ZONING

- A. All off-premises signs permitted in §702(2) to the standards prescribed therein are permitted in HC District.
- B. Signs are permitted in HC District subject to the following provisions.
  - (1) The total area of any sign shall not exceed three hundred square feet.
  - (2) Signs may be non-illuminated or indirectly illuminated but shall not be flashing.
  - (3) Signs may be free-standing, parallel or roof signs but may not be projecting signs.
  - (4) The maximum height of signs shall not be more than four feet above the height of the building or structure (other than the sign support itself) to which the sign is affixed or, in the case of freestanding signs, not more than 25 feet above the official street grade nearest the sign.

(Ord. 5/9/1972, §730; as amended by Ord. 12/15/1987; and by Ord. 12/12/1991B, §22)



## Part 8

### Off-Street Parking, Maneuvering and Loading

#### §800. Off-Street Parking.

1. Required Spaces. Off-street parking spaces shall be provided and satisfactorily maintained for safe utilization, unobstructed access, and proper drainage in accordance with the following provisions for each land use and building which, after the effective date of this chapter and amendments thereto, is erected, enlarged or altered for use for any of the following purposes in any district.

Reference Section	Use
402(1)	Agriculture – 1 off-street parking space for each employee.
402(2); 402(8)(A)	Residential Uses – 2 off-street parking spaces for each dwelling unit, plus 1 for each bed in an authorized rooming house or group home/group care facility. A variance of the requirement for 1 space per bed may be considered for a group home/group care facility or residential treatment facility but 1 space per employee and visiting treatment personnel shall be provided.
402(3)(B)	Churches – 1 space for each 50 square feet of gross floor area used or intended to be used for service to patrons, guests or members, plus 1 additional space for each full-time employee.
402(3)(C,D) 402(5)	Schools – 1 off-street parking space for each faculty member and employee, plus 1 space per 2 classrooms and offices, plus 1 space per 10 students of projected building capacity for high school or post high school education.
402(3)(E)	Cultural Facilities – 1 space per 5 seats or 1 space per 250 square feet of gross floor area where no seats are provided.
402(3)(F)	Municipal Building – As required by the governing body.
402(3)(G,H,I)	Recreational Facilities and Golf Courses – 1 off-street parking space for each 3 persons of total capacity.
402(3)(J)	Private Club or Lodge - 1 space for every 5 members of total capacity or at least 1 space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of spaces, plus 1 additional space for each full-time and each 2 part-time employee(s).

## ZONING

Reference Section	Use
402(3)(K)	Licensed Hospital – 1 off-street parking space for each patient or inmate bed, plus at least 1 additional space for each staff and visiting doctor, plus 1 additional space for each employee (including nurses) on the two major shifts.
402(3)(L)	Nursing Home – 1 off-street parking space for every 6 patient beds, plus at least 1 additional space for each staff and visiting doctor, plus 1 additional space for each employee (including nurses) on the 2 major shifts.
402(4)(A,B,C)	Business, Professional or Governmental Offices – 1 off-street parking space for each 300 square feet of gross floor area.
402(4)(E,F)	Medical or Veterinary Office – 7 off-street parking spaces per doctor or 5 per doctor plus 2 for each treatment room or treatment chair, whichever is greater.
402(4)(D)	Banks; Retail, Personal and Repair Services – 1 off-street parking space for each 100 square feet of gross area used or intended to be used for servicing customers, plus 1 off-street space at each drive-up service facility plus 3 off-street waiting spaces for each drive-window or automatic teller machine lane plus adequate off-street maneuvering area to safely approach each lane and wait clear of any moving traffic lanes.
402(5)(D)	Eating Place (for the sale and consumption of food and beverages without drive-in and counter service) – 1 parking space for each 50 square feet of total floor area, plus 1 additional space for each full-time and each 2 part-time employee(s).
402(5)(E)	Eating Place (for the sale and consumption of food and beverages with some drive-in and counter service) – 1 parking space for every 2 seats or 1 space for every 100 square feet of gross floor area, whichever is larger, plus no less than 5 spaces for every 100 square feet of gross floor area, plus 1 additional space for each full-time and each 2 part-time employee(s).
402(5)(E)	Eating Place (for the sale and consumption of food and beverages with only drive-in or counter service) – no less than 6 parking spaces for each 100 square feet of gross floor area, plus 1 additional space for each full-time and each 2 part-time employee(s).

<b>Reference Section</b>	<b>Use</b>
402(5)(H)	Public Entertainment Facility - 1 parking space for each 2 seats provided for patron use or at least 1 space for each 50 square feet of gross floor area used or intended to be used in the operation of the establishment (including support functions and storage), whichever requires the greater number of off-street parking spaces, plus 1 additional space for each full-time and each 2 part-time employee(s).
402(5)(I)	Motel; Hotel – 1 off-street parking space for each rental room or suite, plus 1 additional space for each full-time employee.
402(5)(K,L)	Automotive Service – 1 off-street parking space for every 300 square feet of gross floor area or 4 spaces for each service bay, whichever is larger, plus 1 space for each employee on the maximum shift. Said off-street parking spaces are not to be a part of nor interfere with service accessways.
402(5)(M)	Automotive Sales or Rental – 1 parking space for each 100 square feet of gross floor area, plus 1 additional space for each full-time and each 2 part-time employee(s).
402(5)(N);402(8)(D)	As required by the individual uses involved.
402(6)(A)	Fire Station – 4 off-street parking spaces for each fire truck where no community room is a part of the building; where a community room is provided, 2 spaces for each fire truck, plus 1 space for each 100 square feet of gross floor area.
402(6)(B,C,D)	Utility Station – 1 off-street parking space for each vehicle normally required to service such facility.
402(6)(E)	As required by the governing body.
402(7)	Industrial Uses – 3 off-street parking spaces for every 4 employees on the largest shift, including office and salaried personnel, plus 1 space for each company vehicle normally stored on the premises.
402(8)(B)	Home Occupation – 2 off-street parking spaces in addition to spaces otherwise required or 1 space for each 100 square feet of floor space devoted to such use, whichever is greater.
402(8)(C)	Drive-In Stand – A sufficient number of off-street parking spaces to accommodate the maximum number of vehicles stopping at any one time but in no case fewer than 3 such spaces.

## ZONING

### **Reference Section    Use**

402(2)(I);402(5)(A);    None required.  
402(6)(F);  
402(8)(E,F,G,H,I,J)

2.    Existing Parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this Part so long as the kind or extent of use is not changed, provided any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
3.    Change in Requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of §800(1), the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
4.    Conflict with Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
5.    Continuing Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Part. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

For parking areas of three or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Zoning Officer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.

6.    Joint Use. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total only as a special exception under Part 11 if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

7. **Fractional Spaces.** Where the computation of required parking space results in a fractional number, any fraction of the next highest number shall be counted as one.
8. **Location of Spaces.** Required off-street parking spaces shall be on the same lot or premises with the use served.
9. **Design Standards.** Design standards included in Section 503 of the Montour Township Subdivision and Land Development Ordinance shall be considered minimum requirements for the purposes of this chapter.
10. **Maneuvering Area.** All off-street parking spaces shall be located and designed so as to be accessible safely with all parking and unparking or related movements conducted upon the permitted premises without disruption to pedestrian or vehicular movements.

(Ord. 5/9/1972, §800; as amended by Ord. 11/10/1988A, §1; by Ord. 12/12/1991B, §23; and by Ord. 9/9/2004, §22)

#### **§801. Off-Street Loading.**

1. **Required Berths.** Off-street loading berths shall be provided on any lot upon which a building exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected or where use changes have created additional loading requirements for buildings under the minimum size herein specified. Spaces shall be provided according to the following table.

<b>Gross Floor Area</b>	<b>Berths Required</b>
6,000 – 20,000	1
20,000 – 80,000	2
80,000 – and over	2 plus one 1 additional berth in each additional 60,000 square feet.

2. **Specifications.** Off-street loading facilities shall be designed to conform to the following specifications.
  - A. Each required space shall be not less than 12 feet in width, 70 feet in length and 14 feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
  - B. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
  - C. The maximum width of driveways and sidewalk openings measured at the street lot line shall be 35 feet the minimum width shall be 20 feet.

## ZONING

- D. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways or accumulation in the loading berth.

(Ord. 5/9/1972, §810; as amended by Ord. 12/12/1991B, §23)

## **Part 9**

### **Nonconformities**

#### **§900. Definitions.**

1. **Nonconforming Structure or Lot.** A structure or lot that does not conform to a dimensional regulation prescribed by this chapter for the district in which it is located or to regulations for signs, off-street parking or accessory buildings but which structure or lot was in existence at the time the regulation, or amendment thereto, was established.
2. **Nonconforming Use.** A use of a building or lot that does not conform to a use regulation prescribed by this chapter for the district in which it is located but which was in existence at the time the use regulation, or amendment thereto, became effective and was lawful at the time it was established.

(Ord. 5/9/1972, §900; as amended by Ord. 12/12/1991B, §24)

#### **§901. Nonconforming Structures.**

1. **Continuation.** Any lawful structure existing on the effective date of this chapter may remain although such structure does not conform to the dimensional requirements of this chapter.
2. **Restoration.** A nonconforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon or legally condemned may be reconstructed, provided reconstruction of the building shall be: (1) commenced within one year from the date the building was destroyed or condemned, (2) carried on without interruption and (3) in accord with all dimensional requirements of this chapter unless a variance is granted by the Zoning Hearing Board.
3. **Extension or Alteration.** A structure that does not conform with the setback yard, building height or other dimensional requirements of the district in which it is located may be extended, provided the extension conforms with all dimensional requirements of this chapter and all other applicable regulations of this chapter.

(Ord. 5/9/1972, §910; as amended by Ord. 12/12/1991B, §24)

#### **§902. Nonconforming Lots.**

1. **Continuation.** Any lawfully created lot existing on the effective date of this chapter may be continued although such lot does not conform to the lot requirements for the district in which it is located.

## ZONING

2. Construction. The provisions of this chapter shall not prevent the construction of a structure, provided the yard, height and other applicable dimensional requirements are met, or the establishment of a permitted and lawful use on any nonconforming lot. However, this provision shall not apply to any two or more contiguous lots in single ownership as of or subsequent to the effective date of this chapter where reparceling or replatting could create one or more conforming lots.

(Ord. 5/9/1972, §920; as amended by Ord. 12/12/1991B, §24)

### **§903. Nonconforming Uses.**

1. Continuation. Any lawful use of a building or land existing at the effective date of this chapter may be continued although such use does not conform to the provisions of this chapter.
2. Extension. A use that does not conform to the use regulations of the district in which it is located may be extended, provided:
  - A. Any extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the uses became nonconforming.
  - B. Any extension shall conform with the area, building height, parking, sign and other requirements of the district in which said extension is located, as contained in Parts 5, 6, and 7.
  - C. Any increase in volume or area of the nonconforming use shall not exceed an aggregate of more than 100% of such volume or area during the life of the non-conformity. For nonconforming uses whose normal operations involve natural expansion (quarries, landfill, cemeteries, etc.), expansion shall be permitted by right up to 50% of the volume or area of the non-conformity. For expansion beyond 50%, a conditional use permit shall be required.
3. Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions.
  - A. Such change shall be permitted only as a special exception under the provisions of Part 11.
  - B. The applicant shall show that a nonconforming use cannot reasonably be changed to a permitted use.
  - C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:



- (1) Traffic generation and congestion, including truck, passenger car and pedestrian traffic;
  - (2) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
  - (3) Storage and waste disposal;
  - (4) Appearance.
4. Abandonment. If a nonconforming use of a building or land ceases and is abandoned for a continuous period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this chapter. For the purposes of this chapter, abandonment shall commence when reasonable efforts to re-establish (such as lease, rental, sale, etc.) a nonconforming use have ceased.

(Ord. 5/9/1972, §930)



## **Part 10**

### **Administration**

#### **§1000. Zoning Officer.**

1. Duties. The provisions of this chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Supervisors. It shall be the duty of the Zoning Officer and he shall have the power to:
  - A. Receive all applications for zoning and special permits; issue permits when there is compliance with the provisions of this chapter, other Township ordinances and the laws of the Commonwealth of Pennsylvania.
  - B. Receive all applications for special exceptions and refer these applications to the Zoning Hearing Board for action thereon.
  - C. Following refusal of a permit, receive applications for appeals from alleged error of the Zoning Officer and variances and forward these applications to the Zoning Hearing Board for action thereon.
  - D. Conduct investigations to determine compliance or non-compliance with the terms of this chapter.
  - E. Order, in writing, correction of all conditions and stoppage of all work found to be in violation of the provisions of this chapter. The Zoning Officer, after consultation with the Township Solicitor, or the Township Solicitor shall issue an enforcement notice which shall include at least the following:
    - (1) Name of the owner of record and any other person against whom enforcement action is intended.
    - (2) Specific location of the property in violation.
    - (3) Specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
    - (4) Date before which steps for compliance must be commenced and the date before which the steps must be completed.
    - (5) Notice that the recipient has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter or as provided in the Pennsylvania Municipalities Planning Code.

## ZONING

- (6) Notice that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly prescribed.
  - F. Institute, with the approval of the Township Supervisors, proceedings with the District Justice or courts of proper jurisdiction for the enforcement of this chapter.
  - G. Keep a permanent record of all plans and applications for permits and all permits issued, with a notation as to conditional uses attached thereto.
  - H. Maintain a map or maps showing the current zoning classification of all land in the area.
  - I. Upon the request of the Planning Commission, Zoning Hearing Board or Township Supervisors, present to such body facts, records or any similar information to assist such body in reaching a decision. In fulfillment of this responsibility, it shall be the duty of the Zoning Officer to avoid ex parte communications about the case with the members of the Board hearing the same. Analysis and opinions of the Zoning Officer, where relevant, shall be presented at the hearing as sworn testimony, so that all parties may observe and cross examine.
  - J. Prepare and submit, and present in person if so requested, a monthly report to the Board of Supervisors on the applications processed, status of all active cases, litigation and potential litigation, orders issued, difficulties encountered in the application or interpretation of this chapter, and such other information as may be appropriate or requested. If requested, copies shall be provided to the Township Planning Commission and the Zoning Hearing Board.
2. Limits of Authority.
- A. The Zoning Officer shall have the authority to issue permits only for construction and uses which are in accordance with the requirements of this chapter. Construction and uses which require special exception or variance shall be issued zoning permits only upon order of the Zoning Hearing Board. Construction or uses subject to conditional use approval shall be issued zoning permits only upon order of the Township Supervisors.
  - B. The Zoning Officer shall issue no permits for the construction or use of any land and buildings unless it conforms to all Township ordinances and the laws of the Commonwealth of Pennsylvania.
  - C. Corrective action and work stoppage orders which involve major corrective actions or consequences to work stoppage shall be reviewed by the Township Solicitor and Board of Supervisors in advance of issuance to the extent practical.

(Ord. 5/9/1972, §1000; as amended by Ord. 12/15/1987; and by Ord. 12/12/1991B, §25)

### **§1001. Zoning Permits.**

#### **1. Permits Required.**

- A. Hereafter, except for minor repairs, no structure shall be erected, constructed, reconstructed, extended, moved or razed until a building permit has been secured from the Zoning Officer. Permit requirements for signs are governed by §701(8).

Upon completion of changes in use or construction, reconstruction, extension or moving of structures, the applicant shall notify the Zoning Officer of such completion. No work shall be considered complete until the Zoning Officer has noted on the permit that the work and use have been inspected and are in conformity with the provisions of this chapter, and no structure shall be subsequently occupied until an occupancy permit is issued.

- B. Within any floodplain area a permit shall be required before any development is undertaken.

#### **2. Permit Approval.**

- A. General. If the specifications set forth by the applicant in his application are in conformity with the provisions of this chapter and all other applicable statutes, the Zoning Officer shall issue a permit. If a building permit is refused, the Zoning Officer shall state such refusal, in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The Zoning Officer shall grant or deny the permit not later than 90 days following application, except in cases of special exception or conditional usage where further proceedings are necessary.

Except upon written order of the Zoning Hearing Board authorizing a variance, no building permit shall be issued for any structure where said erection, construction, reconstruction, extension, moving, razing or use thereof would be in violation of any of the provisions of this chapter. Moreover, any permit issued in error shall in no case be construed as waiving any provisions of this chapter. Finally, no permit shall be issued unless all requirements of the Pennsylvania Department of Environmental Resources have been fully complied with.

- B. Floodplain. Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913, and the

## ZONING

Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

### 3. Application Requirements.

A. General. All applications for zoning permits shall be made in writing by the owner or authorized agent on a form supplied by the Zoning Officer and shall be filed with the Zoning Officer. The application shall include:

- (1) A statement as to the proposed use of the building or land.
- (2) A site layout showing the location, dimensions and height of proposed structures or uses and any existing buildings in relation to property and street lines.
- (3) The number, location and design of parking and loading spaces, if applicable.

B. Floodplain. If any proposed construction or development is located within, or partially within, any identified flood-prone area, applicants for Building Permits shall also provide the following specific information:

- (1) Proposed lowest floor and basement elevations in relation to mean sea level, i.e. National Geodetic Vertical Datum of 1929.
- (2) A plan which accurately delineates the identified flood-prone area, the location of the proposed construction, the location of any adjacent flood-prone development or structures, and the location of any existing or proposed subdivision and land development in order to assure that:
  - (a) All such proposals are consistent with the need to minimize flood damage;
  - (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located, and constructed to minimize or eliminate flood damage; and
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (3) Such plan shall also include existing and proposed contours; information concerning one-hundred-year flood elevations, velocities, and other applicable information such as pressures, impact and uplift forces, associated with the one-hundred-year flood; size of structures, location and elevations of streets; water supply and sanitary sewage facilities; soil types; and floodproofing measures.

- (4) A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the one-hundred-year flood elevations, pressures, velocities, impact, and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one-hundred-year flood.

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

4. Life of a Permit. A building permit shall become void six months from the date it is issued unless substantial expenditures have been made in reliance thereupon and the benefit from such expenditures would be lost if the project is not completed or unless the project is delayed for reasons related to land use litigation or climatic conditions impacting sewage requirements. Furthermore, even if substantial expenditures have been made in reliance upon a permit, such permit shall nonetheless become void if the project is abandoned, and for this purpose if work on the project is discontinued for a period of 12 months, the project shall be deemed to be abandoned.

(Ord. 5/9/1972, §1010; as amended by Ord. 7/6/1979A; by Ord. 12/15/1987; by Ord. 12/12/1991B, §25; and by Ord. 11/12/1992, §3)

#### **§1002. Occupancy Permit.**

1. Permit Required. No land or buildings shall be changed in use and no building hereafter erected, constructed, altered or extended shall be occupied until an occupancy permit shall have been issued by the Zoning Officer stating that the buildings or proposed uses fully comply with the provisions of this chapter.
2. Permit Approval.
  - A. In cases where a building permit is required, all occupancy permits shall be applied for coincident with the application for the building permit. The permit shall be retained by the Zoning Officer until such time as the building in question shall have been approved as complying with the provisions of this chapter; issuance shall not exceed 90 days following approved compliance.
  - B. In cases involving establishment of a use upon land or a change of use upon land or within structures, application for an occupancy permit alone shall suffice. The Zoning Officer shall grant or deny such use within 90 days following application, except in cases of special exception or conditional usage where further proceedings are necessary. If a permit is denied, the Zoning Officer shall state in writing the cause for such denial and shall immediately thereupon mail notice of such denial to the applicant.

## ZONING

3. Application Requirements. All applications for occupancy permits shall be made in writing by the owner or authorized agent on a form supplied by the Zoning Officer, setting forth information listed in §1001(2) and other data the Zoning Officer may require.
4. Life of a Permit. An occupancy permit shall become void 180 days from the date of issuance unless occupancy, use or change of use is commenced.

(Ord. 5/9/1972, §1020; as amended by Ord. 12/15/1987; and by Ord. 12/12/1991B, §25)

### **§1003. Conditional Uses.**

1. Procedure and Standards.
  - A. An application for a conditional use shall be submitted to the Board of Supervisors.
  - B. The application shall be accompanied by a plan for the proposed use. Such plan shall indicate the location and specification of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, storm drainage facilities and sewage treatment facilities. In addition, the plan shall show tax map designations and total tract boundaries of the property including bearings, distances and a statement of the total acreage, name and address of all abutting property owners and zoning data of surrounding properties. The plan shall also contain any other information that the Board of Supervisors, at its discretion, may require in order to determine if the proposed conditional use meets the provisions of this chapter.
  - C. Upon receiving an application for a conditional use permit, the Board of Supervisors shall review the application in conjunction with the standards set forth in §1003(1)(D) below and shall hold a public hearing thereon in accordance with the following requirements:
    - (1) The Board of Supervisors shall commence a public hearing on the application within 60 days after its receipt, unless the applicant has agreed, in writing or on the record, to an extension of time. The hearing shall be conducted by the Board of Supervisors, or the Board may appoint any member or an independent attorney as a hearing officer. A decision shall be made by the Board; provided, however, that the applicant may, prior to a decision, waive a decision by the Board and accept a decision of the hearing officer as final. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant, in writing or on the record. An applicant shall complete his case-in-chief within 100 days of the first hearing. Upon the request of an applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first



hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

- (2) Written notice of the hearing shall be given to the applicant and to all abutting property owners of the proposed conditional use.
- (3) Public notice of the hearing shall also be given.
- (4) Within 45 days after the last public hearing, the conditional use permit shall be granted or denied. In granting the conditional use permit, the Board of Supervisors shall be authorized to permit the use applied for subject to such reasonable conditions as it may impose. These conditions may include such requirements for improving, maintaining, operating and screening the conditional use as will protect the character of the surrounding property.

D. The following standards shall be applicable to conditional uses:

- (1) The location and size of the use, the nature and intensity of operations involved and the size of the site in relation to it shall be in harmony with the orderly development of the District. The location, nature and height of buildings, walls and fences shall be such as will not discourage the permitted use of adjacent land and buildings.
- (2) The principal and accessory buildings shall meet all area and bulk coverage, setback, height, and off-street parking, loading and unloading, sign and any other regulations applicable to the District or use including supplementary regulations.
- (3) Each proposed use shall comply with the performance standards set forth in Part 6 of this Chapter 27 and shall plan for sufficient safeguards such as traffic control, storm drainage, setbacks, lighting, etc., so as to minimize any potential adverse effects the use may have on adjoining uses.
- (4) Each proposed use shall provide for sewage treatment facilities which meet or exceed specifications established by the Pennsylvania Department of Environmental Resources and submit to the Township evidence of approval from that agency of such a facility and system.

## ZONING

- E. The Board of Supervisors shall request an advisory report from the Planning Commission. No decision will be made until the report from the Planning Commission is received or until the Planning Commission has had such request for 30 days. In the event that the Planning Commission fails to file its report within 30 days, such application shall be deemed to be approved by the Planning Commission.
- F. The Board of Supervisors shall notify the applicant for a conditional use in writing of its decision not more than 90 days after the acceptance of the application.
- G. A conditional use permit shall be issued by the Zoning Officer upon approval of the Board of Supervisors stating the conditions upon which the permit was issued. The Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those specified in this chapter, as it may deem necessary to implement the purposes of this chapter.
- H. A conditional use for which a permit is granted by the Board of Supervisors pursuant to the provisions of this chapter, shall be construed a conforming use.
- I. Conditional Use Decisions.
  - (1) The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based upon any provision of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
  - (2) Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to hold the required public hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required in the public notice provisions of this Part. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

- (3) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed no later than the day following its date.

- J. In granting a conditional use permit the Board of Supervisors shall be authorized to permit the use applied for subject to such reasonable conditions as it may impose. These conditions may include such requirements for improving, maintaining, operating and screening the conditional use as will protect the character of the surrounding property. These conditions and safeguards cannot be related to off-site transportation and road improvements.

(Ord. 5/9/1972; as amended by Ord. 12/15/1987; by Ord. 2/8/1990, §2; by Ord. 12/12/1991B, §25; by Ord. 7/10/1997, §9; and by Ord. 9/9/2004, §§23, 24)

#### **§1004. Fees.**

Fees, in accordance with the Township's current schedule, shall be paid at the office of the Zoning Officer upon the filing of an application. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

(Ord. 5/9/1972; as amended by Ord. 12/15/1987; and by Ord. 7/10/1999, §10)

#### **§1005. Mediation Option.**

Where disputes arise in regard to this chapter the Township may offer to participate in a professionally conducted mediation process pursuant to the Pennsylvania Municipalities Planning Code.

(Ord. 5/9/1972; as added by Ord. 12/12/19918, §25)



## **Part 11**

### **Zoning Hearing Board**

#### **§1100. General Provisions.**

1. Establishment of Board. A Zoning Hearing Board is established in order that the objectives of this chapter may be fully and equitably achieved and a means for competent interpretation of this chapter provided.
2. Membership of Board and Election of Officers. The Montour Township Zoning Hearing Board shall consist of five members, appointed by the Township Supervisors. The terms of office for the members shall be five years, so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.

The Board shall elect a chairman, vice-chairman and secretary from its membership who shall serve annual terms and may succeed themselves. The Board shall promptly notify the Township Supervisors of any vacancies which occur and of the repeated absence, possible malfeasance, misfeasance, or nonfeasance of any Zoning Hearing Board member. Appointments to fill vacancies shall be only for the unexpired portion of the term.

3. Removal of Members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.

Failure to attend three Zoning Hearing Board meetings in one year by any Zoning Hearing Board member will constitute nonfeasance.

4. Meetings. The Zoning Hearing Board will hold a re-organizational meeting on the first Wednesday following the re-organizational meeting of the Board of Supervisors.

(Ord. 5/9/1972, §1100; as amended by Ord. 5/13/1982, §5; by Ord. 12/15/1987; and by Ord. 12/12/1991B, §26)

#### **§1101. Powers and Duties.**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Interpretation and Enforcement Notice Appeals. Any person aggrieved by any determination of the Zoning Officer in the administration of this chapter with re-

## ZONING

spect to the granting or denial of a permit, failure to act on an application, issuance of a cease and desist order, enforcement notice or other order under this chapter, refusal to register or the registration of any nonconforming use, lot or structure, shall have the right of appeal to the Zoning Hearing Board. Any person aggrieved by any determination of the Zoning Officer or any determination of the Township Engineer with reference to the administration of any provision regarding the floodplain or flood hazards, sedimentation or erosion control or stormwater management insofar as the same relate to development not under application to the Township Planning Commission within this chapter, Chapter 22 or any other land use ordinance, shall have the right of appeal to the Zoning Hearing Board. Interpretation appeals shall be made within 30 days of the receipt of such determination by filing such appeal with the Zoning Officer, specifying the grounds thereof and including the following:

- A. The name and address of the applicant or appellant;
  - B. The name and address of the owner of the lot or parcel to be affected by such proposed change or appeal;
  - C. A brief description and location of the lot or parcel to be affected by such proposed change or appeal;
  - D. A statement of the present zoning classification of the lot or parcel in question, the improvements thereon and the present use thereof;
  - E. A statement of the section of this chapter under which the appeal is made and reasons why it should be granted or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal; and
  - F. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereon.
  - G. The Township shall have the responsibility of presenting its evidence first.
  - H. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.
2. Variance Appeals. Upon appeal from a decision by the Zoning Officer, the Board shall hear requests for variances where it is alleged that the provisions of this chapter, or any floodplain and flood hazard regulations inflict unnecessary hardship upon the applicant. The Board shall prescribe the form of application and re-

quire preliminary application to the Zoning Officer. The Board may grant a variance, provided the following findings are made where relevant in a given case.

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
  - B. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and the authorization of a variance is therefore necessary to enable the reasonable use of the Property.
  - C. That such unnecessary hardship had not been created by the appellant.
  - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property and not be detrimental to the public welfare.
  - E. That the variance, if authorized, will represent the minimum variance which will afford relief and the least modification possible of the regulation in issue.
  - F. That the variance for any construction, development, use or activity within any floodway area would not, if granted, cause any increase in the one-hundred-year flood elevation.
  - G. That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinance and regulations. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. Whenever a variance is granted, within a floodplain area, the Township shall notify the applicant in writing that:
    - (1) The granting of the variance may result in increased premium rates for flood insurance.
    - (2) Such variances may increase the risks to life and property.
3. Special Exception Applications. In this chapter, or with respect to floodplain or flood hazard provisions of any Township land use ordinance, special exceptions may be granted or denied by the Board pursuant to express standards and criteria. The Board shall hear and decide requests for such special exceptions in ac-

## ZONING

cordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this chapter. The Board shall pursue the following procedure.

- A. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.
- B. No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the area and, where appropriate, with reference to the adequacy of the site area and arrangement of buildings, driveways, parking areas, off-street truck loading spaces and other pertinent features of the site plan. The Planning Commission shall have 30 days from the date of its receipt of the application within which to file its report thereon. In the event that said Commission shall fail to file its report within such 30 days, such application shall be deemed to have been approved by said Planning Commission.

The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this chapter. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgment, the use meets all specific provisions and criteria contained in this chapter and the following general provisions.

- (1) In accordance with the Comprehensive Plan and consistent with the spirit, purposes and intent of this chapter;
- (2) In the best interest of the community, the public welfare and a substantial improvement to the property in the immediate vicinity;
- (3) Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
- (4) In conformance with all applicable requirements of this chapter;



- (5) Suitable in terms of effects on highway traffic and safety, with adequate access arrangements to protect streets from undue congestion and hazard; and
- (6) In accordance with sound standards of subdivision practice, where applicable.

The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this chapter.

- 4. Challenge to Validity of Ordinance. As provided for herein and in accordance with the Pennsylvania Municipalities Planning Code, Section 916.1, as amended, the Board shall hear substantive challenges to this chapter, or parts hereof, or to the Zoning Map. Recognizing that challenges to the validity of an ordinance or map may present issues of fact and interpretation which may lie within the special competence of the Board and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or interpretation not hitherto properly determined at a hearing before another competent agency or body and shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and make findings on all relevant issues of fact, which shall become part of the record on appeal to court. The Board shall commence its hearings within 60 days after the request is filed, unless the landowner requests or consents to an extension of time. The Board shall determine, within 45 days from the conclusion of the last hearing, whether the challenged ordinance, or portion thereof, is defective. If the ordinance is found to be defective the Board shall include in its decision recommendations to the Board of Township Supervisors on such revisions as would cure the defect, or the identification of such portions as need revision. In reaching its decision the Zoning Hearing Board shall consider the amendments, plans and explanatory materials submitted by the landowner and any other party to the issue plus the following criteria:
  - A. Impact of the proposal upon roads, sewer facilities, water supplies, schools and other public services and facilities.
  - B. Impact upon regional housing needs and the effectiveness of the proposal in providing affordable housing for classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.
  - C. Suitability of the site for the intensity of use proposed in view of the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
  - D. Impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features as well

## ZONING

as the degree to which they are protected or destroyed, the tolerance of the resources to development, plus any adverse environmental impacts.

- E. Impact of the proposal on the preservation of agriculture and any other land uses which are essential to public health and welfare.
- 5. Challenge to Validity of any Land Use Ordinance. Substantive challenges to the validity of any land use ordinance, except those to be brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, shall be heard by the Zoning Hearing Board. Procedural challenges to the validity of any land use ordinance or alleged defects in the process of enactment or adoption shall be raised by an appeal to the Zoning Hearing Board within 30 days after the effective date of said ordinance.

(Ord. 5/9/1972, §1110; as amended by Ord. 7/6/1979A; by Ord. 12/12/1991B, §26; by Ord. 7/10/1997, §11; and by Ord. 9/9/2004, §25)

### **§1102. Rules and Procedures.**

- 1. Parties Appellant Before Board. Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the ordinance may be filed with the Board, in writing, by any officer or agency of the municipality or any person aggrieved. Requests for a variance or special exception, however, must be filed with the Board by any landowner or any tenant with the permission of such landowner.
- 2. Hearings Required and Notice of Hearings. The Board shall conduct hearings on any interpretation, variance, special exception, challenge or other matter requiring the Board's decision or other official action. A hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time. Each subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant, in writing or on the record. Fees, as established by the Township Supervisors, may include all costs included in said Fee Resolution of the Supervisors and shall be payable by the applicant. Upon the filing with the Zoning Hearing Board of an appeal or application, the Board shall fix a reasonable time and place for a public hearing thereon and give notice as follows:
  - A. At least 15 days prior to the date fixed for the public hearing, publish a notice describing the location of the building or lot, the general nature of the question involved and the time and place for the public hearing in a newspaper of general circulation in the Township.
  - B. Give written notice to parties in interest who shall be at least those persons whose property adjoin or are across public roads from the property in question, as well as any person who has made timely request for such notice.

- C. Written notice shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
3. Conduct of Meetings. The Board shall prescribe rules for the conduct of its meeting, such rules to be in conformance with the Pennsylvania Municipalities Planning Code and this chapter. Meetings shall be held at the call of the Chairman and at such other times as the Board may specify in its rules of procedure. Meetings shall be open to the public, and a quorum of three members shall be required for the Board to take action. The Zoning Hearing Board Chairman or Acting Chairman shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and papers as directed by the Board and as requested by the parties in interest. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues. In any appeal of an enforcement notice to the Zoning Hearing Board the Township shall have the responsibility of presenting its evidence first.
4. Records and Decisions. The Board shall keep a record of the proceedings stenographically; and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. The original transcript cost shall be paid by the party appealing a decision of the Board or otherwise first requesting a transcript, except that where the Board directs that a transcript be prepared the Township shall pay for it. The appearance fee for a stenographer shall be shared equally by the applicant and the Township.

The Board shall keep full public records of its business and shall submit a report of its activities to the Township Supervisors once a year, and as otherwise requested by the Supervisors.

The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. A copy of the decision or findings shall be delivered to the applicant personally or mailed by certified mail, return receipt requested, not later than the day following the date of the decision or findings. To all other persons who have filed their name and address with the Board not later than the last day of the hearing the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

5. Mediation Option. Where disputes arise in regard to this chapter the Township may offer to participate in a professionally conducted mediation process pursuant to the Pennsylvania Municipalities Planning Code.
6. Appeals to Court. Any person aggrieved by any decision of the Zoning Hearing Board may, within 30 days after such decision of the Board, appeal to the Court of Common Pleas of Columbia County, Pennsylvania, by petition duly verified, set-

## ZONING

ting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law and specify the grounds upon which he relies. Such appeals shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code (Act 247).

(Ord. 5/9/1972, §1120; as amended by Ord. 5/13/1982, §6; by Ord. 12/12/1991B, §26; by Ord. 7/10/1997, §12; and by Ord. 9/9/2004, §26)

**Part 12****Zoning Reclassifications**

<b>Ordinance</b>	<b>From</b>	<b>To</b>	<b>Description</b>
Ord. 9/14/2006	SR	HC	The property bounded on the north by State Route 0011, on the east by an existing Highway Commercial District, on the south by Lot 3 of the May Subdivision and an existing Conservation District, and on the west by Surrey Lane (T-363) and Lot 3 of the May Subdivision.
Ord. 1/11/2007	SR	HC	The property bounded on the north by an existing Highway Commercial District, on the east by an existing Highway Commercial District, on the south by an existing Conservation District, and on the west by Surrey Lane (T-363) and an existing Suburban Residential District.

27 Attachment 1

Township of Montour

**Table of Dimensional Requirements**

District	Minimum Lot Size	Minimum Width (Ft.)	Max. Building Coverage (%)	Max. Building Height (Ft.)	Min. Yard Space (Ft.)		
					Front <sup>2</sup>	Side	Rear
Conservation (C)	5 Acres	300	5	25	50	50	50
Agricultural (A)	1 Acre	200	10	—	50	30	30
Suburban	30,000 Sq. Ft.	150	15	25	30	20	30
Residential (SR)	20,000 Sq. Ft.(1)	100	25				
Village	20,000 Sq. Ft.	100	25	35	30	20	30
Residential (VR)	15,000 Sq. Ft.(1)	80	50				
Highway	1 Acre	150	25	25	50	20	20
Commercial (HC)							
Industrial (I)	2 Acres	300	60	35	50	30	30

<sup>1</sup> With access to an off-lot sewage facility.

<sup>2</sup> Subject to additional requirements of Sub-section 501(2B)

The future right-of-way of:	(1)	Minor Arterial Streets	100 ft
	(2)	Major Collector Streets	80 ft
		Minor Collector Streets	60 ft.
	(3)	Local Streets	50 ft
	(4)	Marginal Access Streets	33 ft

(Ord. 5/9/1972, §500; as amended by Ord 5/13/1982, §4; by Ord. 12/15/1987; and by Ord. 12/12/1991B, §10)

## APPENDIX

The following ordinances and resolutions are no longer of general interest, primarily because their provisions were carried out directly after their enactment. Since they are mainly of historical interest, it has not been considered necessary to include their entire text. Instead, they are arranged in groups, according to subject matter, and within each group listed by title in chronological order. The content of the ordinances and resolutions is indexed, in all necessary detail, in the general index at the end of this volume. The annual budget and tax ordinances have been listed only in the "Key to the Disposition of Ordinances." Any person who desires to read the full text of any of the ordinances or resolutions may do so by consulting the original Ordinance Books on file in the Township Offices.

The enactments included in this Appendix are grouped under the following headings:

- A..... Bond Issues and Loans
- B..... Franchises and Services
- C..... Governmental and Intergovernmental Affairs
- D..... Plan Approval
- E..... Public Property
- F..... Sewers
- G..... Streets

## APPENDIX A

### Bond Issues and Loans

<b>Ord./Res.</b>	<b>Date</b>	<b>Type</b>	<b>Reason</b>	<b>Amount</b>
Ord.	7/5/1974	Loan	Construction of Twp. Bldg.	\$30,000
Res.	7/6/1975	Loan	Columbia Co. Sanitary Comm.	\$11,500
Res.	4/3/1981	Loan	Columbia Co. Sanitary Comm.	\$9,600
Res.	2/11/1982	Loan	Columbia Co. Sanitary Comm.	\$9,600
Res.	5/12/1983	Loan	Columbia Co. Sanitary Comm.	\$10,000
Res.	4/12/1984	Loan	Columbia Co. Sanitary Comm.	\$11,500
Res.	5/9/1985	Loan	Columbia Co. Sanitary Comm.	\$15,000
Res.	4/10/1986	Loan	Columbia Co. Sanitary Comm.	\$18,000
Res.	3/12/1987	Loan	Columbia Co. Sanitary Comm.	\$18,000
Res.	2/11/1988	Loan	Columbia Co. Sanitary Comm.	\$23,000
Res.	3/9/1989	Loan	Columbia Co. Sanitary Comm.	\$25,000
Res.	3/8/1990B	Loan	Columbia Co. Sanitary Comm.	\$31,500
Res.	3/12/1992	Loan	Columbia Co. Sanitary Comm.	\$48,650
Res.	3/11/1993	Loan	Columbia Co. Sanitary Comm.	\$51,000
Ord.	11/11/1993	General Obligation Note	To finance sewer construction	\$1,517,500
Res.	5/9/1996	Loan	Columbia Co. Sanitary Comm.	\$49,730
Res.	10/10/1996A	Bond Issuance	Sewage collection and treatment system	\$1,504,300



## Bond Issues and Loans

<b>Ord./Res.</b>	<b>Date</b>	<b>Type</b>	<b>Reason</b>	<b>Amount</b>
Ord.	11/14/1996A	General Obligation Note	Sewage collection and treatment system	\$1,517,500
Res.	1/15/1997	Loan	Columbia Co. Sanitary Comm.	\$72,911
Ord.	6/12/1997A	Nonelec- toral Debt	Finance sewer project	\$11,702.50
Ord.	6/12/1997B	General Obligation Note	Construction of sewage sys- tem and treatment facilities	\$1,324,200
Res.	2/19/1998B	Loan	Columbia Co. Sanitary Comm.	\$70,797
Res.	1/19/1999	Loan	Columbia Co. Sanitary Comm.	\$75,414
Res.	8/14/2003	Nonelec- toral Debt	Additions and alterations to the wastewater treatment plant	\$125,000

## APPENDIX C

### Governmental and Intergovernmental Affairs

Ord./Res.	Date	Description
Res.	2/3/1971	Participation in Columbia Co. Solid Waste System
Ord.	6/30/1980	Cooperation agreement re: police services, with the Borough of Catawissa and Hemlock Township
Ord.	9/5/1980 B	Cooperation agreement re: police services, with Town of Bloomsburg and Hemlock Township
Res.	7/10/1981	Training of police officers under Act 120 of 1974
Res.	6/5/1981	Established death benefit and procedure for computing disability benefits in Police Pension Plan
Res.	2/18/1983	Suspending member contributions to Police Pension Plan for 1983
Res.	6/1/1983	Participation in cooperative purchasing plan offered by Dept. of General Services
Res.	1/3/1984	Suspending member contributions to the Police Pension Plan for 1984
Res.	1/7/1985	Suspending member contributions to the Police Pension Plan for 1985
Res.	1/6/1986	Suspending member contributions to the Police Pension Plan for 1986
Res.	8/14/1986	Authorizing Treasurer to invest Township funds at various banks to maximize earnings
Res.	1/5/1987A	Approving following banks as depositories for Township funds: Bloomsburg Bank-Columbia Trust Co., Columbia County Farmer's National Bank, First Eastern Bank, and United Penn Bank
Res.	1/5/1987B	Suspending member contributions to the Police Pension Plan for 1987
Res.	7/9/1987	Establish death benefit and procedure for computing disability benefits in Police Pension Plan (Repealed by Ord. 6/14/1990)
Res.	8/13/1987	Authorizing participation in the Federal Social Security Program
Res.	1/4/1988	Authorizing the opening of a deposit account at Columbia County Farmers National Bank for the Township

## Governmental and Intergovernmental Affairs

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	1/4/1988	Suspending member contributions to the Police Pension Plan for 1988
Res.	3/10/1988	Approval of the Montour Township Municipal Waste Management Regulations, designating the Lycoming County solid waste disposal facility as the site to be utilized by local collectors
Res.	5/12/1988	Endorsing the development of a County-wide municipal solid waste plan by the County of Columbia
Res.	9/12/1988	Authorizing CCFNB as a depository of Township funds
Ord.	11/10/1988B	Authorizing participation as a member of the Pennsylvania Intergovernmental Risk Management Association
Res.	11/10/1988	Approving the sale of the Township car for \$300 to the highest bidder
Res.	12/15/1988	Maintaining the 2 mills of real estate tax for 1989
Res.	1/3/1989	Approving following banks as depositories for Township funds: Bloomsburg Bank-Columbia Trust Co., Columbia County Farmer's National Bank, First Eastern Bank, and United Penn Bank
Res.	1/3/1989	Suspending member contributions to the Police Pension Plan for 1988
Res.	2/20/1989	Desiring a referendum re: small games of chance to be placed on the ballot for the May 16, 1989, Municipal Primary
Res.	12/14/1989	Maintaining the 2 mills of real estate tax for 1990
Res.	1/2/1990A	Approving the following banks as depositories for Township funds: Bloomsburg Bank Columbia Trust Company, Columbia County Farmers National Bank, First Eastern Bank, United Penn Bank, Northern Central Bank and First National Bank of Berwick
Res.	1/2/1990B	Resolving that the Police Pension Fund is actuarially sound and does not require member contributions for the year 1990
Res.	3/8/1990A	Adopting the Comprehensive Plan dated March 8, 1990
Res.	1/7/1991A	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, First Eastern Bank, United Penn Bank, Northern Central Bank and First National Bank of Berwick as depositories for Township funds

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	1/7/1991B	Resolving that the Police Pension Fund is actuarially sound and does not require member contributions for the year 1991
Res.	3/14/1991A	Authorizing the Columbia County Sanitary Administrative Committee to borrow \$31,500.00 from Columbia County Farmers National Bank and guaranteeing the repayment of the Township's proportional share of said loan
Res.	1/6/1992	Designating First Columbia Bank and Trust Co., Columbia County Farmers National Bank, First Eastern Bank, United Penn Bank, Northern Central Bank and First National Bank of Berwick as depositories for Township funds
Res.	9/10/1992	Request to participate in purchase contracts of the Department of General Services
Res.	1/4/1993	Designating First Columbia Bank and Trust Co., Columbia County Farmers National Bank, First Eastern Bank, Mellon Bank, Northern Central Bank and First National Bank of Berwick as depositories for Township funds
Res.	1/3/1994	Designating First Columbia Bank and Trust Co., Columbia County Farmers National Bank, First Eastern Bank, Mellon Bank, Northern Central Bank, First National Bank of Berwick and Guaranty Bank, N.A., as depositories for Township funds
Ord.	10/13/1994	Entering into a municipal police cooperative agreement with certain other municipalities in Columbia County, Pennsylvania
Res.	3/10/1994	Authorizing the Columbia County Sanitary Administrative Committee to borrow \$40,810 from the Columbia County Farmers National Bank for one year
Res.	1/3/1995	Resolving that First Columbia Bank and Trust Co., Columbia County Farmers National Bank, PNC Bank, Mellon Bank, Northern Central Bank, First National Bank of Berwick and Guaranty Bank, N.A., are approved depositories for Township funds
Res.	1/12/1995	Levying a tax at the rate of .38 mills on all property, whether or not exempt from taxation by existing law, located within 780 feet of any fire hydrant provided by the Bloomsburg Water Company; provided, however, such levy shall not apply to farmland or land used as an aviation field
Res.	4/13/1995	Authorizing the Columbia County Sanitary Administrative Committee to borrow \$48,710 from Columbia County Farmers Bank for one year

## Governmental and Intergovernmental Affairs

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	12/28/1995	Adopting the tax resolution for 1996 which is 1/2 mill real estate tax
Res.	1/2/1996	Approving First Columbia Bank and Trust Co., Columbia County Farmers National Bank, PNC Bank, Mellon Bank, Northern Central Bank, First National Bank of Berwick and Guaranty Bank, N.A., as depositories for Township funds
Ord.	1/11/1996	Authorizing Montour Township to enter into membership in the Montour County Council of Governments
Ord.	9/12/1996B	Authorizing the Township of Montour to enter into a municipal drug task force agreement with certain other municipalities in Columbia County and setting forth the form of agreement which will govern the relationship
Res.	11/14/1996	Authorizing and directing the Chairman of the Board of Supervisors to execute an agreement with the Pennsylvania Department of Transportation for the issuance of a highway occupancy permit for permittee Don E. Bower, Inc.
Res.	6/12/1997C	Resolving that Farmers National Bank of Orangeville, Pennsylvania, is designated as a legal depository of all money belonging to the Montour Township Supervisors, County of Columbia
Res.	8/21/1997	Resolving that Contracts 1 through 6, inclusive, with A. Pickett Construction Inc., John F. Miles Co., Inc., Williamsport Electric, Inc., Fairchild Brothers, Inc., Don E. Bower, Inc. and Mazzuca Enterprises, Inc., have been completed in accordance with their terms
Res.	10/9/1997	Authorizing supplemental appropriations in the aggregate amount of \$22,577.28 for fiscal year 1997
Res.	12/11/1997A	Adopting the tax levy resolution imposing a tax at the rate of 1.5 mills for the calendar year 1998
Res.	1/5/1998	Resolving that the First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, Mellon Bank, Northern Central Bank, First National Bank of Berwick, Guaranty Bank, N.A., and FNB Bank, N.A., are approved depositories for the Township funds

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	2/19/1998A	Adopting a tax at the rate of .42 mills on all property, whether or not exempt from taxation by existing law, located within 780 feet of any fire hydrant provided by United Water pursuant to agreement with the Township, based upon the assessment for County purposes; provided, however, such levy shall not apply to farmland and land used as an aviation field
Res.	4/9/1998	Authorizing the opening of the turnback account for money received from PennDOT
Res.	6/11/1998	Authorizing supplemental appropriations in the aggregate amount of \$140,338.18 for fiscal year 1998
Res.	7/9/1998	Supporting the efforts of the Pennsylvania Civil Justice Coalition to restore fairness, common sense and personal responsibility to Pennsylvania's legal system and supporting passage of the Lawsuit Abuse Reform Act
Res.	12/10/1998	Authorizing the agreement of sale by and between the Township and Commonwealth of Pennsylvania, Department of Transportation, as well as the deed from the Township to the Commonwealth of Pennsylvania, Department of Transportation
Res.	12/14/1998	Adopting a tax levy resolution increasing the millage by 1/2 mill so as to establish a millage rate of 2.0 mills for the calendar year of 1999
Res.	1/4/1999	Resolving that First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, Mellon Bank, Northern Central Bank, First National Bank of Berwick, Guaranty Bank, N.A., and FNB Bank, N.A., are approved as depositories for Township funds
Res.	12/9/1999	Adopting a tax levy resolution maintaining the rate of 2 mills for the year 2000
Res.	1/4/2000	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, Keystone Financial, First National Bank of Berwick, Guaranty Bank, N.A., and FNB Bank, N.A., as depositories for Township funds
Res.	1/13/2000	Agreeing to participate in a joint effort with the Town of Bloomsburg for a feasibility study on the Conservation and Natural Resources Program
Res.	2/10/2000	Authorizing the Columbia County Sanitary Administrative Committee to borrow \$75,009 from Columbia County Farmers National Bank for one year at base rate

## Governmental and Intergovernmental Affairs

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	3/9/2000	Requesting permission to participate in the Pennsylvania Department of General Services cooperative purchasing program
Res.	8/10/2000	Establishing a Mitigation Planning Committee to develop a flood mitigation plan
Res.	1/2/2001	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, Keystone Financial, First National Bank of Berwick, Guaranty Bank, N.A., and FNB Bank, N.A., as depositories for Township funds
Ord.	6/14/2001	Authorizing the Montour Township Board of Supervisors to enter into a cooperative agreement with certain other municipalities and setting forth the form of agreement which will govern the relationship
Res.	6/14/2001	Transferring \$3,000 from account 438.00 (highway maintenance) to account 430.26 (minor equipment purchase)
Res.	1/7/2002	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, M & T Bank, First National Bank of Berwick, Guaranty Bank, N.A., and FNB Bank, N.A., as depositories for Township funds
Res.	1/6/2003	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, M & T Bank, First National Bank of Berwick, Sun Bank, and FNB Bank, N.A., as depositories for Township funds
Res.	2/13/2003	Supporting the creation of a COG-operated regional building code organization and supporting the submission of a single application to the Pennsylvania Department of Community and Economic Development by the Tri-County Council of Governments (COG)
Res.	6/13/2003	Approving, adopting, and placing into effect the Emergency Operations Plan of Montour Township
Res.	9/13/2003	Adopting the Hazard Mitigation Plan prepared by the Township's Hazard Mitigation Planning Committee and establishing the committee as a permanent advisory body
Res.	1/5/2004	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, M & T Bank, First National Bank of Berwick, Sun Bank, and FNB Bank, N.A., as depositories for Township funds

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Ord.	2/12/2004	Authorizing Montour Township to enter into a cooperative agreement regarding administration and enforcement of the Uniform Construction Code Act and setting forth the form of such agreement
Res.	5/13/2004	Accepting the Comprehensive Recreation, Open Space and Park Plan prepared by the Township of Montour in cooperation with the Township of Bloomsburg as the plan that will be used to guide future acquisition, development and/or conservation initiatives
Res.	11/11/2004	Authorizing the Supervisor to execute, for and on behalf of Montour Township, all required forms and documents under the Robert T. Stafford Disaster Relief and Emergency Assistance Act
Res.	1/3/2005	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, M & T Bank, First National Bank of Berwick, Omega Bank, and FNB Bank, N.A., as depositories for Township funds
Res.	5/12/2005	Authorizing the Supervisor to execute, for and on behalf of Montour Township, all required forms and documents under the Robert T. Stafford Disaster Relief and Emergency Assistance Act
Res.	7/14/2005	Approving the sale of the Township's boom mower to the highest responsible bidder for \$2,900
Res.	7/14/2005	Approving the sale of the Township's 1973 dump truck to the highest responsible bidder for \$1,151
Res.	10/13/2005	Designating the National Incident Management System (NIMS) as the basis for all incident management in Montour Township
Res.	11/10/2005	Authorizing transfers in the general fund budget
Res.	11/10/2005	Authorizing transfers in the sewer fund budget
Res.	11/10/2005	Authorizing transfers in the highway fund budget
Res.	11/10/2005	Authorizing supplemental appropriations in the highway fund, in the aggregate amount of \$2,500
Res.	11/10/2005	Authorizing supplemental appropriations in the general fund, in the aggregate amount of \$33,600
Res.	12/21/2005	Authorizing transfers in the sewer fund budget
Res.	12/21/2005	Authorizing supplemental appropriations in the general fund, in the aggregate amount of \$16,400



## Governmental and Intergovernmental Affairs

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	1/3/2006	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, M & T Bank, First National Bank of Berwick, Omega Bank, and FNB Bank, N.A., as depositories for Township funds
Ord.	3/9/2006	Authorizing participation in the Municipal Risk Management Workers' Compensation Pooled Trust
Res.	5/11/2006	Recognizing the Montour Township Fire Company as a bona fide emergency service provider for the Township
Res.	8/1/2006	Authorizing the Supervisor to execute, for and on behalf of Montour Township, all required forms and documents under the Robert T. Stafford Disaster Relief and Emergency Assistance Act
Res.	9/14/2006	Approving the sale of the Township's 1992 4x4 truck and snowplow to the highest responsible bidder for \$3,275
Res.	12/14/2006	Authorizing the Supervisor to execute, for and on behalf of Montour Township, all required forms and documents for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act
Res.	1/2/2007	Approving First Columbia Bank and Trust Company, Columbia County Farmers National Bank, PNC Bank, M & T Bank, First National Bank of Berwick, Omega Bank, and FNB Bank, N.A., as depositories for Township funds

## **APPENDIX D**

### **Plan Approval**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	3/25/1991	Adopting and submitting to the Department of Environmental Resources for its approval as a revision to the official plan of the Municipality Alternative 5 set forth in the Facility Plan
Res.	6/13/1991	Adopting and submitting to the Department of Environmental Resources for its approval as a revision to the official plan of the Municipality Alternative 5 set forth in the Facility Plan
Res.	5/13/1993	Accepting plan for minor subdivision along TR 332 (Tower Dr.) containing 13,863 square feet

**APPENDIX E**  
**Public Property**

(Reserved)

## **APPENDIX F**

### **Sewers**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
Res.	10/19/1984	Community sewage plan for Sunken Heights Area and Rt. 11 commercial area
Res.	11/12/1992A	Submitting revision to official sewage facilities plan to DER for approval
Res.	4/8/1993	Submitting an addendum to the proposed revision of 11/12/1992, for the official sewage facilities plan
Res.	6/10/1993	Declaration of intent by the Township to reimburse itself for expenditures in construction of sewage collection and treatment system
Res.	8/24/1994	Adopting and submitting to DER for its approval, a revision to the Official Sewage Facilities Plan
Res.	1/11/1996	Authorizing the appropriation of an easement over property of Harry W. Diemer, et al, and authorizing the filing of a declaration of taking and all necessary action for the acquisition thereof, for the purpose of construction of a sanitary sewage disposal system project
Res.	10/10/1996B	Approving the plans and specifications for the Township's sewer project as bid, as well as the revisions thereto included in the contract documents
Res.	10/10/1996C	Providing for mitigation procedures in connection with the sewer project
Res.	10/10/1996D	Reaffirming the Township's intent to meet all of the conditions set forth in the United States Department of Agriculture Rural Development (the "agency") letter dated July 23, 1996, with regard to establishing sewer rates and charges, requiring of connection to system and imposing rules and regulations regarding use of the sewer system

## APPENDIX G

### Streets

This appendix contains an alphabetical listing of streets, and under street a chronological listing of all ordained activities not covered elsewhere in the codification.

<b>Name</b>	<b>Activity</b>	<b>Location</b>	<b>Ord./Res.</b>	<b>Date</b>
Clark Avenue	Opening	LR 19100, south 210 feet	Res.	6/3/1964
Colonial Avenue	Renaming	That portion of Sunken Heights Avenue beyond the intersection with Colonial Avenue	Res.	5/12/2005
Division Street	Opening	New U.S. Route 11 to Old U.S. Route 11	Res.	7/3/1962
Division Street	Opening	New U.S. Route 11, south 550 feet	Res.	7/3/1962
Golden Valley Drive	Opening	Golden Valley Estates subdivision plan	Res.	10/14/1999
Hawk Ridge Road	Opening	Golden Valley Estates subdivision plan	Res.	10/14/1999
Jackson Street (part)	Opening	LR 19079 (Sta.16) to LR 19079 (Sta.25)	Ord.	3/6/1968
Johnson Street	Opening	Shown as Parcel #1 on survey dated 6/19/1989, prepared by James D. Creasy, P.L.S.	Ord.	7/10/1991
Reading Street (part)	Opening	LR 19079 (Sta. 22) north to Fishing Creek	Ord.	3/6/1968

## Streets

<b>Name</b>	<b>Activity</b>	<b>Location</b>	<b>Ord./Res.</b>	<b>Date</b>
SR 4001	Turnback	Formerly known as part of Jackson Street and part of Reading Street consisting of .695 mile	Res.	12/11/1997B
SR 4036	Turnback	Formerly known as Perry Avenue, consisting of .43 mile	Res.	12/11/1997B
Sunken Heights	Opening	Sunken Heights, S.D.	Res.	11/2/1960
Surry Lane	Opening	Division Street east then north to Route 11	Res.	7/3/1962
Terrace Drive	Opening	Catawissa-Bloomsburg Highway at Catawissa Legion Home Association, east 918 feet	Res.	3/6/1968
Tower Drive	Opening	Shown on survey draft dated 3/2/1990, prepared by James D. Creasy, P.L.S.	Ord.	7/10/1991
TR358	Vacate	LR 19119, north approximately 1 mile	Res.	8/5/1964

## TOWNSHIP OF MONTOUR

### KEY TO THE DISPOSITION OF ALL ORDINANCES

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Res. -/-/1951	Appendix	B
Res. 11/02/1960	Appendix	G
Res. 7/03/1962	Appendix	G
Res. 6/03/1964	Appendix	G
Res. 8/05/1964	Appendix	G
Ord. 2/02/1966	Chapter 24	§§101-107
Ord. 12/08/1966	Repealed by	9/9/1982
Ord. 3/06/1968	Appendix	G
Res. 3/06/1968	Appendix	G
Res. 2/03/1971	Appendix	C
Ord. 10/13/1971	Chapter 22	§§101-507; §§701-804
Ord. 5/03/1972	Repealed by	9/9/1982
Ord. 5/9/1972	Chapter 27	Part 1-11
Ord. 6/07/1974	Repealed by	8/8/1985
Ord. 7/05/1974	Appendix	A
Ord. 7, 7/11/1975	Chapter 18	§401-403
Res. 7/06/1975	Appendix	A
Ord. 12/19/1978	Superseded by	6/11/1987
Ord. 7/06/1979 A	Chapter 27	§§201, 603, 1001, 1101
Ord. 7/06/1979 B	Chapter 22	§§202, 403, 405, 407, 502, 507, 701, 702, 703, 704
Ord. 11/07/1979	Superseded by	Ord. 5/9/1991
Ord. 5/02/1980	Superseded by	5/9/1985
Ord. 6/30/1980	Appendix	C
Ord. 9/05/1980 A	Superseded by	12/15/1987
Ord. 9/05/1980 B	Appendix	C
Res. 4/03/1981	Appendix	A
Ord. 6/05/1981	Chapter 1	§§404, 407-411
Res. 6/05/1981	Appendix	C

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Res. 7/10/1981	Appendix	C
Ord. 12/04/1981	Chapter 22	§§202, 507(2)
Res. 2/11/1982	Appendix	A
Ord. 5/13/1982	Chapter 27	§§501, 1100, 1102
Ord. 7/16/1982	Chapter 27	§§201, 402(5)
Ord. 9/09/1982	Superseded by	Ord. 12/12/1991B
Res. 2/18/1983	Appendix	C
Res. 5/12/1983	Appendix	A
Ord. 6/01/1983	Superseded by	4/9/1987A
Res. 6/01/1983	Appendix	C
Ord. 11/10/1983	Chapter 27	603
Ord. 12/08/1983	Chapter 10	§§101-107
Res. 1/03/1984	Appendix	C
Res. 4/12/1984	Appendix	A
Ord. 6/14/1984	Chapter 13	§§201-209
Res. 10/19/1984	Appendix	F
Ord. 12/13/1984	Superseded by	8/9/1990
Res. 1/07/1985	Appendix	C
Ord. 5/09/1985	Superseded by	5/10/1990
Res. 5/09/1985	Appendix	A
Ord. 6/13/1985	Superseded by	12/15/1987
Ord. 8/08/1985	Chapter 21	§§101-108
Ord. 9/12/1985	Superseded by	Ord. 5/9/1991
Ord. 12/12/1985	Chapter 1	§101
Res. 1/06/1986	Appendix	C
Res. 4/10/1986	Appendix	A
Ord. 4/10/1986	Superseded by	12/15/1987
Res. 8/14/1986	Appendix	C
Res. 1/05/1987	Appendix	C
Res. 3/12/1987	Appendix	A
Ord. 4/9/1987A	Chapter 24	§§201-217
Ord. 4/9/1987B	Superseded by	Ord. 11/9/2006



<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Ord. 6/11/1987	Repealed by	6/14/1990
Res. 7/9/1987	Appendix	C
Res. 8/13/1987	Appendix	C
	Chapter 1	§501
Ord. 12/15/1987 Ch. 13, §§104 107, 109, 111, 113 114	Adopting Ord.	Intro, pg. xiii
	Superseded by	Ord. 12/12/1992B
Res. 1/4/1988	Chapter 1	§601
Res. 1/4/1988	Appendix	C
Res. 2/11/1988	Appendix	A
Ord. 3/10/1988A §§107, 109, 116	Chapter 20	§§101-125
	Repealed by	1/16/2002B
Ord. 3/10/1988B	Chapter 18	§102
Res. 3/10/1988	Appendix	C
Res. 4/14/1988	Superseded by	Res. 5/11/1995
Ord. 5/12/1988	Chapter 21	§106(5)
Res. 5/12/1988	Appendix	C
Ord. 8/11/1988	Chapter 18	§§301-306
Res. 9/12/1988	Appendix	C
Ord. 11/10/1988A	Chapter 22	§503
	Chapter 27	§800(1)
Ord. 11/10/1988B	Appendix	C
Res. 11/10/1988	Appendix	C
Res. 12/15/1988	Appendix	C
Res. 1/3/1989	Appendix	C
Res. 2/20/1989	Appendix	C
Res. 3/9/1989	Appendix	A
Res. 4/13/1989	Superseded by	Res. 3/14/1991B
Ord. 4/13/1989	Chapter 21	§105
	Chapter 27	§702(2)(B)(3)
Res. 12/14/1989	Appendix	C

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Res. 1/2/1990A	Appendix	C
Res. 1/2/1990B	Appendix	C
Ord. 2/8/1990	Chapter 27	§§402(6)(D)1003(1)
Res. 2/8/1990	Superseded by	Res. 3/14/1991B
Res. 3/8/1990A	Appendix	C
Res. 3/8/1990B	Appendix	A
Ord. 3/12/1990	Superseded by	Ord. 5/9/1991
Ord. 5/10/1990	Superseded by	Ord. 5/9/1996
Ord. 6/14/1990	Superseded by	Ord. 2/10/2000
Ord. 8/9/1990	Chapter 18	§§101-109, 151-156
Res. 1/7/1991A	Appendix	C
Res. 1/7/1991B	Appendix	C
Res. 1/10/1991	Superseded by	Res. 3/14/1991B
Res. 3/14/1991A	Appendix	C
Res. 3/14/1991B	Superseded by	Res. 8/11/1994
Res. 3/25/1991	Appendix	D
Ord. 5/9/1991	Chapter 27	§300
Res. 6/13/1991	Appendix	D
Ord. 7/10/1991	Appendix	G
Ord. 12/12/1991A	Chapter 22	§§101, 103, 104, 202, 301-304, 401, 403, 405, 502, 504-507, 602-605, 702, 703, 802-804
Ord. 12/12/1991B	Chapter 27	§§101-103, 201, 300, 301, 400-402, 500, 501, 601-607, 700-703, 800, 801, 900-902, 1000-1003, 1005, 1100-1102
Res. 1/6/1992	Appendix	C
Res. 3/12/1992	Appendix	A
Res. 9/10/1992	Appendix	C
Ord. 11/12/1992	Chapter 22	§§202, 301
	Chapter 27	§§201, 1001
Res. 11/12/1992A	Appendix	F
Res. 11/12/1992B	Superseded by	Res. 8/11/1994

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Res. 1/4/1993	Appendix	C
Res. 3/11/1993	Appendix	A
Res. 4/8/1993	Appendix	F
Res. 5/13/1993	Appendix	D
Res. 6/10/1993	Appendix	F
Ord. 11/11/1993	Appendix	A
Res. 1/3/1994	Appendix	C
Res. 3/10/1994	Appendix	C
Ord. 10/13/1994	Appendix	C
Res. 8/11/1994	Superseded by	Res. 5/11/1995
Res. 8/24/1994	Appendix	F
Res. 1/3/1995	Appendix	C
Res. 1/12/1995	Appendix	C
Res. 3/9/1995	Chapter 1	§§701, 702
Res. 4/13/1995	Appendix	C
Res. 5/11/1995	Superseded by	Res. 6/8/2000
Res. 12/28/1995	Appendix	C
Res. 1/2/1996	Appendix	C
Ord. 1/11/1996	Appendix	C
Res. 1/11/1996	Appendix	F
Ord. 3/14/1996	Chapter 22	§303
Ord. 5/9/1996	Chapter 18	§§201-206
Res. 5/9/1996	Appendix	A
Ord. 9/12/1996A	Chapter 15	§206
Ord. 9/12/1996B	Appendix	C
Res. 10/10/1996A	Appendix	A
Res. 10/10/1996B	Appendix	F
Res. 10/10/1996C	Appendix	F
Res. 10/10/1996D	Appendix	F
Ord. 11/14/1996	Appendix	A
Res. 11/14/1996	Appendix	C
Ord. 1-1997	Chapter 18	§§501-507

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Res. 1/15/1997	Appendix	A
Ord. 4/10/1997	Chapter 18	§§153, 156
Ord. 5/8/1997	18, §523	
Ord. 6/12/1997A	Appendix	A
Ord. 6/12/1997B	Appendix	A
Res. 6/12/1997	Appendix	C
Ord. 7/10/1997	Chapter 22	§§202, 305, 504
	Chapter 27	§§201, 402, 605, 1003, 1004, 1101
Ord. 8/21/1997	Superseded by	Ord. 8-12-99
Res. 8/21/1997	Appendix	C
Ord. 9/11/1997	Chapter 10	§107
	Chapter 13	§209
	Chapter 18	§§108, 306, 541
	Chapter 20	§121
	Chapter 21	§108
	Chapter 24 Superseded by	Ord. 11/9/2006
Res. 10/9/1997	Appendix	C
Ord. 11/13/1997A	Chapter 18	§§523, 553
Ord. 11/13/1997B	Chapter 15	§402
Res. 12/11/1997A	Appendix	C
Res. 12/11/1997B	Appendix	G
Res. 1/5/1998	Appendix	C
Res. 2/19/1998A	Appendix	C
Res. 2/19/1998B	Appendix	A
Res. 4/9/1998	Appendix	C
Res. 6/11/1998	Appendix	C
Res. 7/9/1998	Appendix	C
Ord. 10/8/1998	Chapter 15	§402
Res. 12/10/1998	Appendix	C
Res. 12/14/1998	Appendix	C
Res. 1/4/1999	Appendix	C

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Res. 1/19/1999	Appendix	A
Res. 2/11/1999	Chapter 24	§§501-502
Ord. 8/12/1999	Chapter 26	§§101-177
Res. 10/14/1999	Appendix	G
Res. 12/9/1999	Appendix	C
Res. 1/4/2000	Appendix	C
Res. 1/13/2000	Appendix	C
Ord. 2/10/2000	Chapter 1	§§401-407
Res. 2/10/2000	Appendix	C
Res. 3/9/2000	Appendix	C
Ord. 4/13/2000	Chapter 10	§§201-208
Ord. 5/18/2000	Chapter 18	§§524, 531, 541, 571
Ord. 6/8/2000	Chapter 18	§523
Res. 6/8/2000	Chapter 1	§601
Res. 8/10/2000	Appendix	C
Res. 1/2/2001	Appendix	C
Ord. 6/14/2001	Appendix	C
Res. 6/14/2001	Appendix	C
Ord. 10/11/2001	Chapter 7	§§101-123
Res. 1/7/2002	Appendix	C
Ord. 1/16/2002A	Chapter 18	§535
Ord. 1/16/2002B	Chapter 20	§§102, 107, 109, 116
Ord. 2/14/2002	Chapter 1	§§801-805
Ord. 7/11/2002	Chapter 1	§§901-904
Ord. 12/12/2002	Chapter 18	§562
Res. 1/6/2003	Appendix	C
Res. 2/13/2003	Appendix	C
Ord. 6/12/2003	Chapter 10	§§301-304
Ord. 6/12/2003	Chapter 18	§523
Res. 6/13/2003	Appendix	C
Res. 8/14/2003	Appendix	A
Res. 9/13/2003	Appendix	C

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Ord. 11/13/2003	Chapter 15	§203
Res. 1/5/2004	Appendix	C
Ord. 2/12/2004	Chapter 5	§101
Ord. 2/12/2004	Appendix	C
Ord. 5/13/2004	Chapter 5	§§201-206
Res. 5/13/2004	Appendix	C
Ord. 6/10/2004	Chapter 18	§563
	Chapter 1	§601
Ord. 7/8/2004	Chapter 18	§563
Ord. 9/9/2004	Chapter 27	§§101, 102, 201, 300, 301, 400, 402, 608, 800, 1003, 1101, 1102
Res. 11/11/2004	Appendix	C
Res. 1/3/2005	Appendix	C
Res. 1/13/2005	Chapter 1	§601
Ord. 4/14/2005	Chapter 15	§203
Res. 5/12/2005	Appendix	G
Res. 5/12/2005	Appendix	C
Res. 7/14/2005	Appendix	C
Res. 7/14/2005	Appendix	C
Res. 7/14/2005	Chapter 1	§601
Ord. 8/11/2005	Chapter 18	§553
Ord. 8/11/2005	Chapter 22	§502
Res. 8/11/2005	Chapter 15	§203
Res. 8/11/2005	Chapter 1	§601
Res. 8/11/2005	Chapter 1	§601
Ord. 10/13/2005	Chapter 22	§§202, 303, 304
Res. 10/13/2005	Appendix	C
Res. 11/10/2005	Chapter 1	§601
Res. 11/10/2005	Appendix	C
Res. 11/10/2005	Appendix	C
Res. 11/10/2005	Appendix	C

<b>Ord./Res.</b>	<b>Disposition</b>	<b>Number</b>
Res. 11/10/2005	Appendix	C
Res. 11/10/2005	Appendix	C
Res. 12/21/2005	Appendix	C
Res. 12/21/2005	Appendix	C
Res. 1/3/2006	Appendix	C
Ord. 2/9/2006	Chapter 22	§801
Ord. 2/9/2006	Chapter 26	§104
Ord. 2/9/2006	Chapter 18	§563
Ord. 3/9/2006	Appendix	C
Ord. 4/13/2006	Chapter 6	§§101-105
Res. 5/11/2006	Appendix	C
Res. 8/1/2006	Appendix	C
Ord. 9/14/2006	Chapter 27	Part 12
Res. 9/14/2006	Appendix	C
Ord. 11/9/2006	Chapter 24	§§401-412
Ord. 1/11/2007	Chapter 27	Part 12
Ord. 1/11/2007	Chapter 27	§§201, 602
Res. 12/14/2006	Appendix	C
Res. 1/2/2007	Appendix	C
Ord. 3/8/2007	Chapter 10	§§401-403