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# ORDINANCE NO. 642

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RE-SURFACING OF ELWOOD DRIVE, NEGLEY AVENUE, DOWLING AVENUE, MILLER STREET, ALPINE BOULEVARD, ELIZABETH STREET, RITA DRIVE, MORTIMER AVENUE, SAW MILL RUN ROAD, LILLY LANE, LUCIA DRIVE, POWELL STREET, WALLACE AVENUE, FARNSWORTH AVENUE, STEVENDALE DRIVE, AND CLINE STREET.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. The re-surfacing of the following public roads is hereby authorized and directed:

A. Slurry Seal: Negley Avenue, Dowling Avenue, Miller Street, Alpine Boulevard, Elizabeth Street, Rita Drive, Mortimer venue, Saw Mill Run Road, Lilly Lane, Lucia Drive, Powell Street, Wallace Avenue, Farnsworth Avenue, Stevendale Drive, and Cline Street.

B. Asphalt Re-surfacing: Elwood Drive, Part of Negley Avenue.

C. Re-surfacing of such other streets as may be accommodated within the budget allotment for this purpose and provided the work is recommended by the Township Engineer and approved by the Board of Commissioners.

SECTION II. The materials and work shall be supplied and done according to the plans and specifications therefore as prepared by the Township Engineer, which plans and specifications are adopted as part of this ordinance and are on file in the office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described re-surfacing shall be done in accordance with the plans and specifications and proposal therefore by contract with the lowest responsible bidder or bidders, and the proper officers of the Township of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be apid by the Township of Wilkins and the same is hereby appropriated therefore out of funds now or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 12th day of March, 1979.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

008

# ORDINANCE NO. 643

AN ORDINANCE OF THE TOWNSHIP OF WILKINS PRESCRIBING TRAFFIC AND PARKING REGULATIONS AND PROVIDING PENALTIES FOR THEIR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins as follows:

ORDINANCE NO. 643

AN ORDINANCE OF THE TOWNSHIP OF WILKINS PRESCRIBING TRAFFIC AND PARKING REGULATIONS AND PROVIDING PENALTIES FOR THEIR VIOLATIONS

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins as follows:

## ARTICLE I

## GENERAL REGULATIONS

SECTION 1. DEFINITIONS AND INTERPRETATIONS. Words and phrases, when used in this ordinance, shall have meanings ascribed to them in the Pennsylvania Motor Vehicle Code as now in force, or as hereafter amended, enacted or re-enacted, except in those instances where the context clearly indicates a different meaning. The singular shall include the plural and the masculine shall include the feminine.

SECTION 2. MANNER OF ADOPTING PERMANENT TRAFFIC AND PARKING REGULATIONS. All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Township of Wilkins.

SECTION 3. SPECIAL POWERS OF THE CHIEF OF POLICE OF WILKINS TOWNSHIP. The Chief of Police of the Township of Wilkins, or the officer in command in his absence, shall have the following powers:

a. Regulating and temporarily prohibiting traffic on streets closed or restricted for construction, maintenance, or special events -- Vehicle Code Section 6109(15).

b. Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions, including, but not limited to, fire, flood, storm, or road construction damage -- Vehicle Code Section 6109(20).

Such temporary and emergency regulations shall be enforced by the Police Department of the Township of Wilkins in the same manner as permanent regulations. Any person who shall operate a vehicle in violation of any such regulation shall be liable to the penalty set forth in the law for such violation, and in case of any violation for which no specific penalty is set forth in the law, to a fine of not more than fifteen dollars ($15.) and ten dollars ($10.) costs.

SECTION 4. The Board of Commissioners of Wilkins Township shall further have the power and authority to establish, change and abolish, and to designate by appropriate markings or signs, crosswalks, traffic lanes, and parking spaces -- Vehicle Code Section 6109-B

SECTION 5. RECORDS OF TRAFFIC VIOLATIONS. The police department shall keep a record of all violations of the Traffic Ordinances of this Township or of the State Vehicle Code of which any person has been charged together with the final disposition of all such alleged offenses.

SECTION 6. INTERSECTIONS WHERE A STOP IS REQUIRED. The Board of Commissioners is hereby authorized to determine and designate intersections where particular traffic hazards exist upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required. Vehicle Code Section 6109-B

SECTION 7. PARKING ON NARROW STREETS.

a. No person shall stop, stand, or park a vehicle upon any highway where such stopping, standing, or parking would create a hazardous traffic condition or would unduly interfere with the free movement of traffic.

b. The site where such standing, stopping, or parking is prohibited shall be marked by the erection of official traffic signs. Vehicle Code Section 3353-D

SECTION 8. STOPPING, STANDING, OR PARKING PROHIBITED.

a. General Rule - Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except that a pedalcycle may be parked as provided in section 3509(b)(2) (relating to parking).

(ii) On a sidewalk except that a pedalcycle may be parked as provided in section 3509(b)(2).

(iii) Within an intersection.

(iv) On a crosswalk.

(v) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic-control devices.

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(viii) On any railroad tracks.

(ix) In the area between roadways of a divided highway, including crossovers.

(x) At any place where official signs prohibit stopping.

2. Stand or park a vehicle:

(i) In front of a public or private driveway.

(ii) Within 15 feet of a fire hydrant.

(iii) Within 20 feet of a crosswalk at an intersection.

(iv) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the site of a roadway.

(v) Within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance.

(vi) Where the vehicle would prevent the free movement of a streetcar.

(vii) On a limited access highway unless authorized by official traffic-control devices.

(viii) At any place where official signs prohibit standing.

3. Park a vehicle:

(i) Within 50 feet of the nearest rail of a railroad crossing.

(ii) At any place where official signs prohibit parking.

Vehicle Code Section 3353-A

SECTION 9. PARKING IN ALLEYS. No person shall park a vehicle within an alley in such a manner or under such circumstances as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

SECTION 10. SPEED LIMITS. The State Traffic Laws regulating the speed of vehicles shall be applicable upon all streets and highways within the Township, except as this ordinance, as authorized by State law, hereby declares and determines upon the basis of traffic investigation that certain speed regulations shall be applicable upon specified streets and highways or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof. No person shall exceed the maximum speed limit as posted on any highway within the Township. -- Vehicle Code Section 3363 and Section 6109(10), (14).

SECTION 11. DAMAGE TO TOWNSHIP PROPERTY. Any person or firm, or corporation causing damage to be done to any traffic standard, sign, or other construction of the Township shall become liable to pay the damages caused thereby.

SECTION 12. VEHICLES OBSTRUCTING TRAFFIC. The Police Department shall have the right to remove, if necessary, any vehicle obstructing traffic whether parked or standing. The charges for such removal shall be held by the person owning or in charge of the vehicle causing such obstruction or which is illegally parked. Vehicle Code Section 3351.

SECTION 13. REGULATION OF WEIGHTS. The ~~police department is hereby authorized to~~ Township may determine and designate which streets or highways in the Township require a limitation of the weight of motor vehicles which use said streets or highways in order that said streets or highways shall not be damaged. Upon ascertaining which streets or highways require said limitation of weight passing over same, signs shall be erected at either end and along streets and highways setting forth the maximum weight of motor vehicles which can use said streets and highways. -- Vehicle Code Section 4902.

SECTION 14. ENFORCEMENT AND PENALTIES. The provisions of the Pennsylvania Vehicle Code as to the procedure in prosecuting violations shall be followed in the enforcement of the provisions of this ordinance.

SECTION 15. U-TURNS PROHIBITED ON CERTAIN STREETS. No operator of any vehicle shall make a U-turn upon the Greensburg Pike, William Penn Highway, Brown Avenue, Churchill Road, Larimer Avenue, Rodi Road, or Penn Center Boulevard. Any person who shall violate any of the provisions of this section, shall upon conviction thereof, be sentenced to pay a fine of not less than fifteen dollars ($15.) and ten dollars ($10.) costs of prosecution. -- Vehicle Code Section 6109(9).

SECTION 16. ONE WAY STREETS ESTABLISHED. The following are established as one way streets:

a. Rebecca Avenue from Thompson Street to McMasters Avenue - eastbound.

b. Hart Drive Turnabout - counter clockwise.

c. Leneake Street from Larimer Avenue to Linhart Street - westbound.

d. Linhart Street - eastbound.

e. Ridge Street from Wallace Avenue to Cline Street - southbound.

f. Upper Mortimer Avenue - northbound.

Any person who shall operate a vehicle on any street or portion thereof hereby established as a one way street other than in the direction established hereby for vehicular traffic thereon, shall, upon conviction thereof, be sentenced to pay a fine of not more than fifteen dollars ($15.) and ten dollars ($10.) costs of prosecution. -- Vehicle Code Section 6109(4).

SECTION 17. SPEED LIMITS ESTABLISHED ON CERTAIN STREETS. The following speed limits are hereby established:

a. Greensburg Pike from the boundary line of Churchill Borough and Wilkins Township to the boundary line of Wilkins Township and the Borough of Turtle Creek, thirty-five (35) miles per hour.

b. Churchill Road from Churchill Borough line to Larimer Avenue, twenty-five (25) miles per hour.

c. Larimer Avenue from Rodi Road south to the Turtle Creek Borough line, twenty-five (25) miles per hour.

d. Rodi Road south, Brown Avenue, Old William Penn Highway, Thompson Run Road, thirty-five (35) miles per hour.

Vehicle Code Section 6109(10).

SECTION 18. STOP INTERSECTIONS ESTABLISHED. The following intersections located in the Township are hereby declared to be stop intersections, and official stop signs shall be erected, or are hereby confirmed if heretofore erected, in such a position as to face traffic approaching the second-named street in the direction or directions hereby indicated. All vehicles approaching the intersection upon the first-named street in the direction or directions hereby indicated in each case shall come to a full stop, at a clearly marked stop line or, if none, before entering a cross walk on the near side of the intersection or, if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. -- Vehicle Code Section 3323-B (Public Rights of Way) and Section 6109(a) (Private Rights of Way).

STOP INTERSECTIONS:

WARD I

Ayers Avenue & Negley Avenue

Baker Street & Rodi Road
Braddsley Drive & Penhurst Dr.
Briaridge Drive & Leax Lane
Briaridge Drive & Tynewood Dr.

Calmont Drive & Thorncrest Dr.
Charnwood Drive & Frazier Dr.
Churchill Court & Churchill Rd.
Churchill Lane & Coal Street
Clugston Ave. & Highland Ave.
Curry Ave. & Ridgemont C.C. drive
Curry Court & Negley Avenue

Delaney Dr. & Dunbar Dr.
Delaney Dr. & Kingston Dr.
Dunbar Dr. & Delaney Dr.
Dunbar Dr. & Jefferson Heights
Dunbar Dr. & Kingston Drive

WARD III

Alpine Blvd. & Greensburg Pike
Alpine Blvd. & Stevendale Drive

Cline Street & Greensburg Pike

Dorothy St. & Greensburg Pike
Dowling Ave. & Elizabeth Street

STOP INTERSECTIONS: Continued

WARD I

Eastmont Park Rd. & Frazier Dr.

Farnsworth St. & Churchill Rd.
Farnsworth St. & Harrison Rd.
Fire House #4 drive & Frazier Dr.
Frazier Drive & Gilmore Drive
Frazier Drive & Kingston Drive

Gardenia Dr. & Churchill Rd.
George Lane & Churchill Rd.
George St. & Harrison Rd.
Gilmore Dr. & Kingston Dr.

Harrison Rd. & Churchill Rd.
Harrison Rd. & Farnsworth-eastbound
Harrison Rd. & Larimer Ave.
Harrison Rd. & Patterson-eastbound
Hart Drive & Delaney Drive
Harwick Dr. & Penhurst Drive
Hawthorne Dr. & Sunset Drive
Hawthorne Dr. & Wm. Penn Hwy.
Hibiscus Dr. & Gardenia Drive
Highland Ave. & Clugston Ave.
Highland Ave. & Mortimer Ave.
Highland Avenue & Negley Ave.

James St. & George St.
Jefferson Hts. Rd. & Dunbar Dr.
Jefferson Hts. Rd. & Orion Dr.
Jones Street & Larimer Avenue

Kingston Drive & Frazier Drive

Laurel Dr. & Hawthorne Drive
Leax Lane & Brown Avenue
Leneake St. & Linhart St.
Linhart St. & Larimer Ave.
Linhart Works driveway & Larimer Ave.
Lougeay Road & Rodi Road

McMasters Ave. & Larimer Ave.
McMasters Ave. & Semmens St.
Mortimer Ave. & Saw Mill Run Rd.

Negley Ave. & Churchill Road
Negley Ave. & Curry Avenue
Negley Ave. & Highland Ave.
Negley Ave. & Rebecca Avenue
Negley Ave. & Semmens St.

WARD III

Elizabeth St. & Greensburg Pike
Elizabeth St. & Lucia Road
Elizabeth St. & Nannette Drive
Elizabeth St. & Rita Drive
Elizabeth St. & Stevendale Drive

Ivy Street & Brown Avenue

John Street & Dorothy Street

Lilly Lane & Elizabeth Street
Lilly Lane & Rita Drive
Lucia Road & Roland Road
Lucinda Drive & Brown Avenue

Miller St. & Alpine Blvd.
Miller St. & Elizabeth St.
Moss Street & Brown Avenue

Nannette Dr. & Elizabeth St.
Nannette Dr. & Rita Drive

STOP INTERSECTIONS: Continued

WARD I

Old Northern Pk. & Gilchrest Dr.
Old Northern Pk. & Old Wm. Penn
Orion Drive & Laurel Drive
Orion Drive & Sunset Drive

Patterson St. & Harrison Road
Peffer Road & Gardenia Drive
Penhurst Dr. & Braddsley Dr.
Penhurst Dr. & Churchill Road
Penhurst Dr. & Harrison Road
Penhurst Dr. & Harwick Drive
Penhurst Dr. & Heritage Dr.
Penhurst Dr. & Radcliff Dr.
Penn Center Blvd. at Cul de Sac
Penn Center Blvd. at drive Bldg. #1
Penn Center Blvd. at Sears, Roebuck & Company entrance to rear parking lot

Queenston Dr. & Delaney Drive
Queenston Dr. & Kingston Drive

Radcliff Dr. & Penhurst Drive
Railroad St. & Larimer Avenue
Ridgewood Dr. & Gilchrest Dr.
Rebecca St. & McMasters Ave.

Semmens St. & McMasters Ave.
Sunset Drive & Hawthorne Dr.
Sylvia Lane & Old Wm. Penn Hwy.

Thompson St. & Rebecca Street
Thompson St. & Semmens Street
Thompson Run Rd. & Rodi Road
Thorncrest Dr. & Hawthorne Dr.
Tynewood Dr. & Briaridge Drive

WARD III

Peter Street & Dorothy Street
Powell Street & Cline Street
Powell St. & Greensburg Pike

Ridge St. & Cline Street
Ridge St. & Greensburg Pike
Rita Dr. & Elizabeth Street
~~Rita Dr. & Stevendale Drive~~
Roland Road & Brown Avenue
Roland Road & Stevendale Drive

Stevendale Dr. & Alpine Blvd.
Stevendale Dr. & Elizabeth St.
Stevendale Dr. & Roland Road

Wallace Ave. & Cline Street
Wallace Ave. & Powell Street
Wallace Ave. & Ridge Street
Washington St. & Brown Avenue
Wilbur Ave. & Ivy Street

The following intersections are designated as "3 Way Stop Intersections". Vehicles entering these intersections from any direction are to STOP:

Gilmore Drive & Frazier Drive
Kingston Drive & Queenston Drive
Penhurst Drive & Churchill Road
Queenston Drive & Delaney Drive
Semmens Street & McMasters Avenue

SECTION 19. BACKING UP RESTRICTED.

a. No driver shall back up a vehicle unless the movement can be made with safety and without interfering with other traffic and then only after yielding the right of way to moving traffic and pedestrians.

b. Limited access highways - No driver shall back up a vehicle upon any shoulder or roadway of any limited access highway. Vehicle Code Section 3702.

## ARTICLE II

## PARKING

SECTION 20. PARKING PROHIBITED AT CERTAIN LOCATIONS. Parking shall be prohibited at all times in the following locations:

NO PARKING ON EITHER SIDE OF STREET:

| WARD I | WARD III |
|---|---|
| Ayers Avenue | |
| Beech Street | Barbour Street |
| Boone Alley | Brown Avenue |
| Coal Street | Cherry Alley |
| | Crestview Dr. (formerly Patterson St., Brown Plan). |
| | Electric Avenue |
| | Elizabeth St.--Greensburg Pk to Lilly |
| George Lane | Greensburg Pike |
| Hazel Street | Hagars Alley |
| Jefferson Hts. Rd.-Northern Pike to southern lot boundary of Eastmont School property | John Street |
| Kingston Dr.-Wm. Penn Hwy to Gilmore & Delaney Drives | |
| Larimer Avenue | |
| Lougeay Road | |
| McMasters Ave.-east side Larimer Ave. to a point 104' south<br>McMasters Ave.-west side Larimer Ave. to a point 52' south | |
| | Nannette Drive |
| Old Northern Pike | |
| Orchard Street | |
| Peffer Road | Powell St.-Greensburg Pk. to Wallace |
| Penn Center Boulevard | |

NO PARKING ON EITHER SIDE OF STREET Continued

| WARD I | WARD III |
|---|---|
| Rebecca Ave.-Thompson St. to McMasters Avenue | Roland Rd.-Brown Ave. to Lucia Drive |
| Rodi Road | |
| Saw Mill Run Road | |
| Thompson Run Road | Tongalucas Street |
| William Penn Highway | |
| Zerjav Alley | |

SECTION 21. PARKING PERMITTED ON ONE SIDE ONLY.
Parking shall be limited to one side only of the following named streets and prohibited entirely on the streets and the sides hereinafter designated:

| NO PARKING | PARKING THIS SIDE ONLY |
|---|---|
| Ward III | |
| Alpine Blvd.--South | North |
| WARD I | |
| Baker Street--South | North |
| Beaver Avenue--East | West |
| Curry Avenue--South | North |
| Churchill Lane--North | South |
| Clugston Avenue--East | West |
| Curry Court--East | West |
| Charnwood Drive--West | East |
| Churchill Road (Larimer to Negley)--South | North |
| Delaney Drive--West-North | East |
| Dunbar Drive--South-West | North-East |
| WARD III | |
| Dowling Avenue--West | East |
| Dorothy Street--South-West | East-North |
| WARD I | |
| Elwood Drive--East | South |
| WARD III | |
| Elizabeth Street--South-West | North-East |
| WARD I | |
| Frazier Drive--North | South |
| Farnsworth Ave.--West | East |
| Gilmore Drive--West | East |
| Gilchrest Drive--West | East |
| George Street--East | West |
| Gardenia Drive--West | East |
| Gilchrest Dr. (Old Northern Pike to Ridgewood)--West | East |
| WARD III | |
| Grandview Ave.--South | North |

PARKING PERMITTED ON ONE SIDE ONLY. Continued

| NO PARKING | PARKING THIS SIDE ONLY. |
|---|---|
| WARD I | |
| Hart Drive--South | East |
| Harrison Road--North | South |
| Hibiscus Drive--South | North |
| Highland Ave.--West | East |
| Hawthorne Drive--Sunset Drive to Sunset Drive--South-West | North-East |
| Ivy Street--South | North |
| Jefferson Hts. Rd.--South | North-West |
| James Street--North | South |
| Kingston Drive--West | East |
| Laurel Drive--West | East |
| Leneake St.--South-West | North-East |
| Linhart St.--North-East | South-West |
| Larimer Ave.--East | West--from a point 50' South of Harrison Rd. to Churchill Road |
| WARD III | |
| Lucia Drive--West | East |
| Lilly Lane--West | East |
| Lucinda Drive--West | East |
| WARD I | |
| McMasters Ave.--East-South | West-North |
| Mortimer Avenue--East | West |
| Meadow Street--South | North |
| Montgomery Street--South | North |
| WARD III | |
| Moss Street--South | North |
| Miller Street--South-West | North-East |
| WARD I | |
| Negley Avenue--East | West |
| Patterson Street--South | North |
| Penhurst Drive--East-South | West-North |
| WARD III | |
| Powell Street--East-North | South-West |
| WARD I | |
| Queenston Dr.--South-West | North |
| WARD III | |
| Quarry Street-West | East |
| WARD I | |
| Ridgewood Drive--South-East | West |
| Railroad Street--North-East | South-West |
| Rebecca Avenue (Negley To Thompson)--North (Sunday only) | South (Sunday only) |
| Rebecca Avenue (Thompson to McMasters)--North | South |
| Ridgewood Drive--North-East | South-West |

PARKING PERMITTED ON ONE SIDE ONLY Continued

| NO PARKING | PARKING THIS SIDE ONLY |
|---|---|
| WARD III | |
| Roland Road--East | West |
| Rita Drive--West-North | South-East |
| Ridge Street--South-East | North-West |
| WARD I | |
| Sunset Drive--North-East | South-West |
| Semmens Street--North | South |
| WARD III | |
| Stevendale Drive--West | East |
| WARD I | |
| Thompson Street--West | East |
| WARD III | |
| Tongalucas Street--East | West |
| WARD I | |
| Upper Mortimer Ave.--West | East |
| Washington Street--South-East | North-West |
| Wilbur Avenue--East | West |
| WARD III | |
| Wallace Avenue--East | West |

SECTION 22. PARKING PROHIBITED AT FIRE LANES. The erection of official signs, prohibiting standing and parking, as provided by the Vehicle Code, Section 3353, A and B, and Section 1.12 of Ordinance No. 453, as amended by Ordinance No. 613, are hereby authorized in areas designated as fire lanes as follows:

a. At the following locations in Penn Center:

1. The lanes abutting the Sears, Roebuck Retail Store building on the North, South, and West and East.

2. The lanes abutting the Sears, Roebuck Automotive Store building on the North, East, South, and West.

3. The lanes abutting Penn Center Building No. 2 on the North, East, South, and West.

4. Between signs erected at the main entrances located on the North, East, South, and West sides of Penn Center Buildings Nos. 1, 3, 4, and 5.

5. At designated areas adjacent to traffic lanes in in parking area marked by yellow paint.

b. In front of the entrances to Briaridge Apartment Buildings addressed as follows: 100 Briaridge Drive, 102 Briaridge Drive, 104 Briaridge Drive, 106 Briaridge Drive, and 108 Briaridge Drive.

c. As posted in front of the entrance to Seville Square Apartment Buildings addressed as follows:

SECTION 22 Continued

Building No. 1 -- 4293 Greensburg Pike
Building No. 2 -- 4295 Greensburg Pike
Building No. 3 -- 4297 Greensburg Pike

d. As posted at the Showcase Cinema, 3455 William Penn Highway in the following locations:

1. At curbs on the North, South, West, and East sides of the building.

2. Driveway on West side of building.

e. West side Mauna Loa Restaurant, 3333 William Penn Hwy.

f. The official signs shall be paid for and maintained by the owners of the property on which the fire lanes are located.

g. No person shall stand or park a motor vehicle in the locations above set forth.

h. The Police Department of the Township of Wilkins is authorized and directed to enforce the provisions of this Ordinance.

i. Any person violating any of the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than fifteen dollars ($15.) and costs of prosecution.

SECTION 23. MISCELLANEOUS PROHIBITIONS AGAINST PARKING. Parking of any motor vehicle without current and valid license plates, or current and valid inspection stickers, on any streets of the Township is prohibited; parking of any motor vehicle on any street for the purpose of substantial repairs or overhaul is prohibited; parking any motor vehicle and leaving the same unmoved for any seven (7) day period is prohibited. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be sentenced to pay a fine (unless otherwise specified) of not less than fifteen dollars ($15.) and costs of prosecution. No vehicle shall be removed under the authority of this section if, at the time of the intended removal thereof, the owner or person for time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

## ARTICLE III

## REMOVAL OF VEHICLES

SECTION 24. AUTHORITY TO REMOVE VEHICLES. Any police officer may remove or cause to be removed any vehicle found upon a highway subject to the provisions of sections 3352, A, B, C, and D of the Pennsylvania Vehicle Code.

## ARTICLE IV

## MISCELLANEOUS

SECTION 25. VEHICLES OF EXCESSIVE SIZE. No vehicles, trucks, tractors, or trailers, in excess of 23½ feet in outside length and/or 9 feet in outside height and 82 inches in outside width shall be parked at any time upon the public streets of the Township except during such periods reasonably required to pick up or deliver persons or property within the Township. It is hereby declared to be the policy and intent of the Township of Wilkins that parking provided on the Township streets not be taken up by storage or parking of extra-size vehicles or equipment, as above described, unless same is actually in commercial use at the time it is stored or parked.

SECTION 26. NO PASSING ZONES.

a. No vehicle shall overtake or pass on the left side of the roadway in that portion of any highway where overtaking or passing is prohibited by appropriate signs or markings which shall indicate the beginning and end of such zones -- Vehicle Code Section 3307.

b. Any person violating any of the provisions of this section shall, upon conviction thereof before a Justice of the Peace, be subject to a fine of not less than $15.00 and $10.00 costs of prosecution.

SECTION 27. SCHOOL ZONES. School Zones are hereby established on Churchill Road extending from a point where the boundary line of the Borough of Churchill crosses said Churchill Road eastwardly to the intersection of Harrison Road and on Jefferson Heights Road in front of the Eastmont School property.

A speed limit of fifteen (15) miles per hour during school hours shall be imposed in this zone.

The proper officers of the Township are hereby authorized to erect appropriate signs and to enforce said speed limit as provided in Section 3365 (d) of the Pennsylvania Motor Vehicle Code.

Any person violating the provision of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of $35.00 plus $2.00 per mile over each five (5) miles per hour over the speed limits, and $10.00 costs of prosecution.

SECTION 28. PROHIBITION OF TURNS.

a. No driver of any vehicle shall enter on to the William Penn Highway (Route 22) by turning left from any private road or from any private property, on either side of said highway, between Monroeville Borough boundary line and the intersection of south Rodi Road, in said Township.

b. Official signs shall be erected along appropriate sections of said highway so as to give notice to motorists of the prohibited left turns.

c. Any person violating the provisions of this section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not more than $15.00 and $10.00 costs of prosecution.

SECTION 29. OPERATION OF COMMERCIAL VEHICLES IN PARKS. Commercial motor vehicles shall be absolutely prohibited from operation and use on all roads serving as access roads to any Township park, parklet, or playgrounds and within any Township park, parklet, or playgrounds. Provided that such prohibition shall not apply to commercial motor vehicles using same for purposes of operation, maintenance, or repair of said parks, parklets, or playgrounds.

SECTION 30. REGULATIONS REGARDING VEHICLES OF EXCESSIVE GROSS WEIGHTS. The words, "truck or trailer", "highway", "police officer", and "person" shall be defined as set forth in the Pennsylvania Vehicle Code.

a. Trucks and trailers shall not be used or operated on any highway maintained by the Township of Wilkins, having a gross weight, including chassis, body, and load in excess of eight (8) tons (16,000 gross pounds).

b. Trucks or trailers having a gross weight including chassis, body, and load in excess of six (6) tons (12,000 gross pounds) shall not be used or operated on any highway maintained by the Township of Wilkins when such highway traverses a bridge or when any portion of such highway is protected, supported, or abutted by a wall, cribbing, or other structure designed to protect or support any portion of the highway.

c. Any police officer having reason to believe that the gross weight of a vehicle or combination of vehicles is in excess of the limits provided herein is authorized to arrest the progress of such vehicle to prevent damage or deterioration of the highway and, upon finding excess weight, to require the person operating same to unload excess weight.

d. Commercial motor vehicles, regardless of weight, shall not be used or operated except for local service on the following highways: -- Vehicle Code Section 4902.

Jefferson Heights Road
Dunbar Drive
Kingston Drive
Sunset Drive
Elizabeth Street
Alpine Boulevard
Stevendale Drive
Roland Road
Lucia Road

Lucinda Drive
Cline Street
Powell Street
Dorothy Street
Quarry Street
Grandview Avenue
Gardenia Drive
Hawthorne Drive
Lougeay Road (over 16,000 pounds gross weight)

Local service is hereby defined as being the operation and use of commercial motor vehicles upon trips which originate in, or terminate in, the Township of Wilkins.

e. The Board of Commissioners may, at their discretion, upon good cause being shown therefore, upon application in writing accompanied by a fee as provided by resolution of the Board of Commissioners, issue special permits in writing, authorizing the applicant to operate, or move upon any highway maintained by the Township of Wilkins, a commercial vehicle exceeding the maximum weight specified in this act or a commercial vehicle on a highway upon which it is otherwise prohibited. -- Vehicle Code Section 4961.

Any such permit shall be subject to such rules and regulations and any other condition or restrictions, including the obligation on the part of the permittee to restore or replace any section of highway or bridge or wall, cribbing, or other structure designed to protect or support any highway damaged as a result of such movement, whether or not same was attributable to negligence on the part of the permittee,as shall be deemed necessary by the Board of Commissioners. The Board of Commissioners may, in their discretion, require from the permittee a bond guaranteeing the replacement or restoration of such highway damage, with sufficient surety in such amount as the Board of Commissioners shal, in their discretion, find necessary.

Every such permit shall be carried in the vehicle to which it refers, shall be open to inspection by any peace officer and shall be revocable at any time at the discretion of the Board of Commissioners.

f. There shall be erected and maintained by the Township of Wilkins, official signs designating the applicable provisions of this ordinance, whether weight restrictions or commercial vehicle prohibition, at each end of the highway affected thereby and at intersections thereof.

g. Any person refusing to unload excess weight when so ordered by a peace officer in uniform or violating any of the other provisions of this section shall, upon summary conviction before a magistrate, be sentenced to a fine of no more than $300.00 and no less than $25.00 and costs of prosecution.

SECTION 31. YIELD SIGNS. Subject to the provisions of Section 3323 of the Pennsylvania Vehicle Code, yield signs are erected at the following intersections. The yield shall apply to the second named street.

Rodi Road and Penn Center Boulevard
William Penn Highway and Penn Center Boulevard

SECTION 32. PLACING OF SNOW UPON STREETS. No person, firm, or corporation shall throw, place, or deposit upon the improved portion of any Township street or road, or cause the same to be done, any snow, ice, or slush, whether or not such snow, ice, or slush originally was plowed from the public street or road.

## ARTICLE V

## INTERPRETATION

SECTION 33. SEVERABILITY. The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional or illegal provision not been included herein.

SECTION 34. If any section or provision of this ordinance be declared invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

ORDAINED AND ENACTED into law this 14TH day of MAY, 1979.

TOWNSHIP OF WILKINS

BY Joseph J. Dowlewsky
President
Board of Commissioners

ATTEST:

William C. Baldwin
Secretary

# ORDINANCE NO. 644

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 BY PROVIDING FOR MULTIPLE-FAMILY DWELLINGS AS A PERMITTED USE IN THE R-3 AND R-4 DISTRICTS AND PROVIDING FOR THE CONDITIONS OF SUCH USE: AMENDING ARTICLE III OF ORDINANCE NO. 542 REGULATING THE ERECTION OF SIGNS; AMENDING SECTION 304 AS TO RESTAURANT PARKING AND CORRECTING THE DEFINITION OF SINGLE-FAMILY DWELLING IN SECTION 601.6.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. Table 201 of Ordinance No. 542 is amended to permit multiple family dwellings in the R-3 and R-4 residential districts under the following conditions:

1. The definition of 'family' contained in Section 601.9 of Ordinance No. 542 shall apply to multiple family dwellings.

2. No part of any lot used as a multiple family dwelling shall be located closer than two hundred fifty (250) feet to any part of any other lot in the R-3 and R-4 districts used as a multiple family dwelling.

3. Off street parking shall be provided as follows:

A. Two parking spaces for each multiple family unit and each space shall be at least ten (10) feet by twenty (20) feet.

B. All parking areas shall be graded for proper drainage and surfaced to provide a durable and dust free surface

C. All lighting in the parking area shall be arranged to reflect light away from other premises and to prevent glare thereon or therein.

D. At least fifty (50) percent of the required parking spaces shall be totally enclosed within the principal or an accessory structure.

E. No more than one half ($\frac{1}{2}$) of the required front and rear yard area shall be used for parking.

F. No part of the required side yard area shall be used for parking.

4. Lot, yard, height and sidewalk requirements shall be as follows:

A. Minimum lot area - twenty thousand (20,000) square feet.

B. Minimum lot width - eighty (80) feet.

C. Required front yard - fifty (50) feet.

D. Required side yard - fifteen (15) feet.

E. Required rear yard - thirty (30) feet.

F. Maximum height - thirty five (35) feet.

G. Section 206.1 of Ordinance 542 shall apply to corner lots.

H. Sidewalks shall be installed according to existing Township standards along the portion of the multiple dwelling lot abutting all streets.

5. The maximum number of multiple family units permitted on a tract of twenty thousand (20,000) square feet shall be six (6).

6. For each multiple family unit over six, the minimum lot area shall be increased by two thousand five hundred (2,500) square feet per unit.

7. The maximum number of multiple family units permitted on any single lot or tract shall be thirteen (13).

8. The yard and height requirements (not minimum lot size) above set forth may be altered by not more than ten (10) percent by the Zoning Hearing Board as a special exception when said Board finds that such alteration is warranted because of unusual lot configuration or topography.

SECTION II. Article III, Section 302.7(h) is hereby amended by adding thereto anew subsection designated 302.7(h) (7) as follows:

7. Flashing signs are defined as any sign which be electronic impulses or other method causes words, symbols or other graphic data to appear on a signboard and change character in less than thirty (20) seconds.

SECTION III: Article III, Section 303.1 is hereby amended by adding thereto new subsections designated 303.1.(d), (e) and (f) as follows:

(d) No part of any sign shall be erected within the right of way of any public road, street or highway abutting any premises.

(e) All ground mounted signs shall be securely mounted on a permanent foundation.

(f) No sign shall be erected on a trailer, motor vehicle or other transportable device.

SECTION III. Article III, Section 304.1 is hereby amended by deleting the work 'restaurants' from the third line of the USE table therein set forth and adding the following provisions after the listing of 'Motels':

| USE | PARKING SPACES REQUIRED |
|---|---|
| Restaurants classified as drive-in businesses or which are known as 'fast food' restaurants. | One for every fifty square feet of public floor space plus one for each employe working on the largest shift. |
| Restaurants not classified as 'drive-in' or 'fast food'. | One for every eighty feet of public floor space plus one for each employe working on the largest shift. |

SECTION IV. Article VI, Section 601.6 is deleted as ordained and is hereby amended as follows:

601.6 Single Family Dwelling:

A separate building designed for or occupied by one family.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of May, 1979.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 645

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE PROPER OFFICERS TO ENTER INTO AN AGREEMENT WITH THE BOROUGH OF TURTLE CREEK TO PROVIDE FOR POLICE SERVICES DURING THE TEMPORARY REOPENING OF BROWN AVENUE.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. That the proper officers are authorized to enter into an agreement with Turtle Creek Borough in substantially the following form:

## MUTUAL AID AGREEMENT

This agreement is made between the Borough of Turtle Creek and the Township of Wilkins, both of Allegheny County, Pennsylvania;

Whereas, the parties hereto are geographically located in proximity to each other; and

Whereas, the parties have determined it is to their mutual interest and benefit to furnish and receive supplemental police protection with each other;

Now, therefore, in consideration of their mutual covenants, the parties hereto agree as follows:

1. The parties agree and authorize their police to furnish actual standby aid and assistance in police protection upon request, to the other.

2. Each party authorizes the police of the other party to answer calls and to provide police protection and services in it, when requested, in the same manner and to the same extent as would its own police.

3. It is mutually understood and agreed that the primary duty of each party is to provide adequate police protection within its own area, and also to assist the party from which aid is requested.

4. Brown Avenue is a two lane public thorofare connecting in a northerly and southerly direction the municipalities of Turtle Creek Borough and Wilkins Township and it is a state road, and a portion of Brown Avenue located in Turtle Creek Borough collapsed and has been closed by the Pennsylvania State authorities and the State of Pennsylvania is in the process of making temporary repairs to said destroyed roadway and intends to make it a one-way roadway for motor vehicles, and set a weight limit and speed limit on said roadway, and Turtle Creek Borough, due to its limited police force, is requesting and authorizing the police force of Wilkins Township to police and patrol and enforce the motor vehicle laws as to the Speed Limit, operation of motor vehicles, the one-way traffic, and weight limit on that portion of Brown Avenue located in Turtle Creek Borough. Until the State permanently repairs and reconstructs Brown Avenue and no portion of it remains one way, Wilkins Township agrees to solely police Brown Avenue as stated aforesaid. If Turtle Creek Borough at its own descretion should also police the traffic on said Brown Avenue, it shall have the right to do so.

5. Personnel who are furnished shall work as far as possible under their own supervisors, and the equipment furnished shall, to the extent possible, be operated by the personnel of the party furnishing the equipment. General directions may be given by the appropriate officers or persons of the party receiving the aid.

6. No party to this agreement shall be required to pay a charge or compensation to any other party to this agreement for services rendered hereunder. Any services performed or expenditures made in connection with furnishing mutual aid under this agreement by any party hereto shall be deemed for the direct protection and benefit of the inhabitants and property of that party.

7. Any police officer of a party hereto furnishing aid to another party shall at all times, remain the employe of the party originally employing him and the party furnishing aid shall, at all times, be responsible for his wages, workmen's compensation and all other duties and responsibilities pertaining to his employment.

8. This agreement shall remain in force and effect between the parties until the State permanently repairs said Brown Avenue in Turtle Creek Borough and no portion of it is any longer a one-way roadway in Turtle Creek Borough, unless Wilkins Township notifies Turtle Creek Borough, in writing, that said agreement provisions to police Brown Avenue by Wilkins Township is no longer needed.

This agreement is executed on this 26th day of November, 1979.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

BOROUGH OF TURTLE CREEK

By _____
President of Council

ATTEST:

Wilmer K. Baldwin
Township Secretary

ATTEST:

_____
Borough Secretary

SECTION II. Ordained and adopted by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 26th day of November , 1979

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

ORDINANCE NO 646

To provide for the general revenue by imposing a tax at the rate of 2 mills upon the privilege of operating or conducting business in the Township of Wilkins as measured by the gross receipts therefrom; requiring registration and payment of the tax as a condition to the conducting of such business; providing for the levy and collection of such tax; prescribing requirements for returns and records; conferring powers and duties upon the Tax Collector; and imposing penalties.

THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS UNDER AUTHORITY OF THE ACT OF DECEMBER 31, 1965, P.L. 1257, ACT 511 (LOCAL TAX ENABLING ACT) AND ITS AMENDMENTS, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Title: This ordinance shall be known and may be cited as the "Business Privilege Tax Ordinance."

SECTION 2. Definitions: As used in this ordinance, unless the context indicates clearly a different meaning, the following words and phrases shall have the meanings set forth below:

(a) "Township" - Township of Wilkins

(b) "Person" -- any natural person, partnership, unincorporated association or corporation, non-profit or otherwise. Whenever used in any provision prescribing a fine or a penalty, the word "person," as applied to partnerships, shall mean the partners thereof, and as applied to corporations and unincorporated associations, shall mean the officers thereof.

(c) (1) "Business" -- carrying on or exercising whether for gain or profit or otherwise within the Township of Wilkins any trade, business, including but not limited to financial business as hereinafter defined, profession, vocation, service, construction, communication or commercial activity, or making sales to persons or rendering services from or attributable to the Township office or place of business.

(c) (2) "Business" - shall not include the following: business which is subject to the mercantile tax on its entire gross receipts; the business of any political subdivision; any employment for a wage or salary; any business upon which the power to levy a tax is withheld by law.

(d) "Financial Business" --- The services and transactions of banks and bankers, trust, credit and investment companies, where not prohibited by law, holding companies, dealers and brokers in money, credits, commercial paper, bonds, notes, securities and stocks, monetary metals, factors and commission merchants.

(e) "Tax Year" --The twelve month period from January 1 to December 31.

(f) "Gross Receipts" -- Cash, credits, property of any kind or nature, received in or allocable or attributable to the Township of Wilkins from any business or by reason of any sale made, including resales of goods, wares or merchandise taken by a dealer as a trade-in or as part payment for other goods, wares or merchandise, or services rendered or commercial or business transaction had within the Township of Wilkins, without deduction therefrom on account of the cost of property sold, materials used, labor, service, or other cost, interest, or discount paid, or any other expense.

"Gross Receipts" shall exclude:

(1) The amount of any allowance made for goods, wares or merchandise taken by a dealer as a trade-in or as part payment for other goods, wares and merchandise in the usual and ordinary course of his business;

(2) In the case of a financial business, the cost of securities and other property sold, exchanged, paid at maturity or redeemed, and moneys or credits received in repayment of advances, credits and loans, but not to exceed the principal amount of such advances, credits and loans, and shall also exclude deposits.

(3) In the case of a broker, any commissions paid by him to another broker on account of a purchase or sales contract initiated, executed or cleared in conjunction with such other broker;

(4) Receipts by dealers from sales to other dealers in the same line where the dealer transfers title or possession at the same price for which he acquired the goods, wares or merchandise, as long as said dealers are not the parent or subsidiary organization of the vendor or have no other affiliation or cooperative arrangement with the vendor.

(5) Receipts or that portion thereof attributable to interstate or foreign commerce or to an office or place of business regularly maintained by the taxpayer, outside the limits of the Township of Wilkins , and not for the purpose of evading payment of this tax and those receipts which the Township is prohibited from taxing by law. Such receipts shall be segregated as set forth in Section 4(c) of this Ordinance.

(g) "Tax Collector" - shall mean the township bureau or township officers or independent contractor as determined & appointed by resolution of the Board of Commissioners for the assessment and collection of the taxes imposed by this Ordinance.

(h) "Temporary seasonal or itinerant business" -- shall mean any business that is conducted at one location for less than sixty (60) consecutive calendar days.

(i) "Gross Receipts" -- shall include both cash and credit transactions.

SECTION 3. Imposition and Rate of Tax: Beginning with the tax year 1980 and annually thereafter, every person engaging in any business in the Township of Wilkins shall pay an annual tax at the rate of two (2) mills on each dollar of volume of the gross annual receipts thereof.

SECTION 4. Computation of Gross Annual Receipts:

(a) Every person, subject to the payment of the tax hereby imposed who has commenced his business at least one (1) full year prior to the beginning of any tax year shall compute his annual gross receipts upon the actual receipts received by him during the preceding calendar year.

(b) Every person subject to the payment of the tax hereby imposed, who has commenced or who commences his business less than one (1) full year prior to the beginning of any tax year, shall compute his annual gross receipts for such tax year upon the gross receipts generated by the business transacted within the Township during the first month he engages in such business activity multiplied by twelve (12).

(c) Where a receipt in its entirety cannot be subjected to the tax imposed by this ordinance by reason of the provisions of the Constitution of the United States, or any other provisions of law, including the exemptions within this ordinance, the Tax Collector shall establish rules and regulations and methods of allocation and evaluation so that only that part of such receipt which is properly attributable and allocable to the doing of business in the Township of Wilkins shall be taxed hereunder. The Tax Collector may make such allocation with due regard to the nature of the business concerned on the basis of mileage division of the receipt according to the number of jurisdictions in which it may be taxed the ratio of the value of the property or assets of the taxpayer owned and situated in the Township of Wilkins to the total property or assets of the taxpayer wherever owned and situated, or any other method or methods of calculation other than the foregoing, calculated to effect a fair and proper allocation.

(d) Every person subject to the payment of the tax hereby imposed who engages in a business, temporary, seasonal or itinerant by its nature, shall compute his annual gross receipts upon the actual gross receipts received by him during such tax year.

(e) Every person who ceases to carry on a business during any tax year after having paid the Business Privilege Tax for the entire year shall, upon making proper application to the Tax Collector, be entitled to receive a refund of the prorata amount of the tax paid based upon the period of time he was not in business during the license year. In the event that a person who discontinues business during any tax year does so before payment of his tax becomes due for such tax year, he shall be permitted to apportion his tax for such tax year and shall pay an amount to be computed by multiplying his gross receipts for the preceding full calendar year by a fraction whose numerator shall be the number of months such person was in business during the tax year and whose denominator shall be twelve (12).

(f) Every individual subject to the payment of the tax hereby imposed and who is also subject to and has paid the Occupational Privilege Tax levied by Ordinance No. 434, approved September 4, 1968, as amended and supplemented, may deduct said Occupational Privilege Tax payment from the amount of tax due and owing under the provisions of this Ordinance.

SECTION 5. Returns and Registration

(a) Every person subject to the tax imposed by this ordinance shall forthwith register with the Tax Collector and set forth his name, address, business address and the nature of the business activity in which he is engaged.

(b) Every return shall be made upon a form furnished by the Tax Collector. Every person making a return shall certify the correctness thereof.

(c) Every person subject to the tax imposed by this ordinance who has commenced his business at least one (1) full year prior to the beginning of any tax year shall, on or before the fifteenth (15th) day of April following, and annually thereafter, file with the Tax Collector a return setting forth his name, his business and business address, and such other information as may be necessary in arriving at the annual gross volume of business transacted by him during the preceding year and the amount of the tax due.

(d) Every person subject to the tax imposed by this ordinance who has commenced his business less than one (1) full year prior to the beginning of the tax year shall, on or before the fifteenth (15th) day of April following, file with the Tax Collector a return setting forth his name, his residence, his business, business address, and such other information as may be necessary in arriving at the actual volume of business transacted by him during the period of operation prior to January 1 of that tax year, and the amount of the tax due.

(e) Every person subject to the tax imposed by this ordinance, who commences business subsequent to the beginning of the tax year, shall, within forty (40) days from the date of commencing such business, file a return with the Tax Collector setting forth his name, his business, business address, and such other information as may be necessary in arriving at the actual volume of business transacted by him during his first month of business and the amount of the tax due.

(f) Every person subject to the payment of the tax imposed by this ordinance who engages in a business, temporary, seasonal or itinerant by its nature, shall, within seven (7) days from the day he completes such business, file a return with the Tax Collector setting forth his name, his business, his business address and such other information as may be necessary in arriving at the actual gross volume of business during the tax period and the amount of the tax due.

SECTION 6. Payment at Time of Filing Return:

The person making the return shall at the time of filing the return pay the amount of tax shown as due thereon to the Tax Collector.

SECTION 7. Powers and Duties of TAX COLLECTOR

(a) It shall be the duty of the Tax Collector to collect and receive the taxes, fines and penalties imposed by this ordinance. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and the date of such receipts.

(b) The Tax Collector is hereby charged with the administration and enforcement of the provisions of this ordinance, and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this ordinance, including provision for the reexamination and correction of returns, and payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to make refunds where necessary. Any person aggrieved by any decision of the Tax Collector shall have the right to appeal to court as in other cases provided.

(c) The Tax Collector is hereby authorized to compel the production of books, papers and records, and the attendance of all persons before him whether as parties or witnesses whom he believes to have knowledge of such receipts.

(d) The Tax Collector is hereby authorized to examine the books, papers and records of any taxpayer or supposed taxpayer, in order to verify the accuracy of any return made, or, if no return was made, to ascertain the tax due. Every such taxpayer or supposed taxpayer is hereby directed and required to give to the Tax Collector the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

SECTION 8. Suit on Collection; Penalty:

(a) The Tax Collector may sue for the recovery of taxes due and unpaid under this ordinance.

(b) If for any reason the tax is not paid when due in each year, interest at the rate of six percent per annum, 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 therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

SECTION 9. Fine and Penalties:

Whoever makes any false or untrue statement on his return, or who refuses to permit inspection of the books, records or accounts of any business in his custody or control when the right to make such inspection by the Tax Collector is requested, and whoever fails or refuses to file a return required by this ordinance, shall, upon conviction before any District Magistrate, be sentenced to pay a fine of not more than three hundred dollars ($300.00) for each offense, and in default of payment of said fine, be imprisoned for a period not exceeding thirty (30) days for each offense.

SECTION 10. Saving Clause:

(a) Nothing contained in this ordinance shall be construed to empower the Township of Wilkins to levy and collect the taxes hereby imposed on any person or any business or any portion of any business not within the taxing power of the Township of Wilkins under the Constitution of the United States and the laws and Constitution

of the Commonwealth of Pennsylvania.

(b) If the tax, or any portion thereof, imposed upon any person under the provisions of this ordinance shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania, the decision of the court shall not affect or impair the right to impose the taxes or the validity of the taxes so imposed upon other persons as herein provided.

(c) If a final decision of a court of competent jurisdiction holds any provision of this ordinance, or the application of any provision to any circumstances, to be illegal or unconstitutional, the other provisions of this ordinance, or the application of such provision to other circumstances, shall remain in full force and effect. The intention of the Board of Commissioners is that the provisions of this ordinance shall be severable and that this ordinance would have been adopted if any such illegal or unconstitutional provisions had not been included.

SECTION 11. Payment under Protest - Refunds:

The Tax Collector is hereby authorized to accept payment under protest of the amount of business privilege tax claimed by the Township in any case where the taxpayer disputes the validity or amount of the Township's claim for tax. If it is thereafter judicially determined by a court of competent jurisdiction that the Township has been overpaid, the amount of the overpayment shall be refunded to the taxpayer.

SECTION 12. Effective Date:

The provisions of this ordinance shall become effective January 1, 1980, and shall remain in effect thereafter, from year to year, on a calendar year basis.

SECTION 13. That any Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed so far as the same affects this Ordinance.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 10th day of December, 1979.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

ORDINANCE NO 647

TO PROVIDE revenue for the Township of Wilkins by imposing a Mercantile License Tax for the year 1980 and annually thereafter upon persons engaging in certain occupations and businesses therein; providing for the office of Tax Collector; conferring and imposing powers and duties on the Tax Collector; and imposing penalties.

THE BOARD OF COMMISSIONERS OF THE TOWNHIP OF WILKINS UNDER AUTHORITY OF THE ACT OF DECEMBER 31, 1965, P.L. 1257, ACT 511 (LOCAL TAX ENABLING ACT) AND ITS AMENDMENTS, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS. The following words and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section unless the context clearly indicates a different meaning:

(a) "Person" shall mean any individual, partnership, limited partnership, association or corporation. Whenever used in any section prescribing and imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and, as applied to corporations, the officers thereof.

(b) "Wholesale Dealer" or "Wholesale Vendor" shall mean any person who sells to dealers in or vendors of goods, wares and merchandise and to no other persons, whether or not such vending or dealing is the primary business activity of such person.

(c) "Retail Dealer" or "Retail Vendor" shall mean any person who is a dealer in or vendor of goods, wares and merchandise, who is not a wholesale dealer or vendor, whether or not such vending or dealing is the primary business activity.

(d) The terms "Person," "Wholesale Dealer," "Wholesale Vendor," "Retail Dealer" and "Retail Vendor" shall not include agencies of the Government of the United States or of the Commonwealth of Pennsylvania, or any person vending or disposing of articles of his own growth, production or manufacture.

(e) "Place of Amusement or Entertainment" shall mean any place indoors or outdoors where the general public or a limited or selected number thereof, may, upon payment of an established price, attend or engage in any amusement, entertainment, exhibition, contest, recreation, including, among other places, theatres, opera houses, motion picture houses, amusement parks, stadia, arenas, baseball or football parks or fields, skating rinks, circus or carnival tents or grounds, fair grounds, bowling alleys, billiard or pool rooms, shuffle board rooms, nine or tenpin alleys, riding academies, golf courses, bathing and swimming places,

dance halls, tennis courts, archery, rifle or shotgun ranges, arcades, and other like places. The term does not include any exhibitions, amusement, performances or contests conducted by a nonprofit corporation or association.

(f) "Restaurant or other place where food, drink or refreshments are sold" shall not include such facilities of nonprofit corporations and/or beneficial associations which are deemed or considered to be services under either statutory or case law, or any other such facility which is exempt by law.

(g) "License Year" shall mean the twelve-month period from January 1 through December 31.

(h) "Gross Volume of Business" shall mean value received, regardless of form.

(i) "Tax Collector" shall mean the township bureau or township officers or independent contractor as determined and appointed by resolution of the Board of Commissioners for the assessment and collection of the taxes imposed by this Ordinance.

(j) "Temporary, seasonal or itinerant business" shall mean any business that is conducted for a limited period of time.

SECTION 2. LEVY AND COLLECTION OF TAX. Beginning with the tax year 1980 and annually thereafter, the Township hereby imposes a Mercantile License Tax in the manner and at the rates hereinafter set forth.

SECTION 3. LICENSES. Every person desiring to continue to engage in, or hereafter to begin to engage in, the business or occupation of wholesale or retail vendor or dealer in goods, wares and merchandise, any person conducting a restaurant or other place where food, drink or refreshments are sold, whether or not the same be incidental to some other business or occupation, any person conducting or operating a place of amusement or entertainment whether or not the same be incidental to some other business or occupation, shall, on or before the first day of January, 1980 , and annually thereafter, or prior to commencing business in any license year, procure a Mercantile License for his place of business or occupation in the Township, from the Tax Collector, as required by law. Such license shall be conspicuously posted at the said place of business or occupation of every such person at all times.

CTION 4. IMPOSITION AND RATE OF TAX. Every person engaging in any of the following occupations or businesses in the Township shall pay a Mercantile License Tax for the year 1980 and annually thereafter at the rate set orth:

(a) Wholesale vendors or dealers in goods, wares and merchandise, a ne rate of one mill ($.001) on each dollar of the volume of the annual gross usiness transacted by them.

(b) Retail vendors or dealers in goods, wares and merchandise, at he rate of one and one-half mills ($.0015) on each dollar of the volume of annual gross business transacted by them.

(c) All persons engaged in conducting restaurants or other places here food, drink or refreshments are sold, whether or not the same be incidental to some other business or occupation, and all persons conducting places of amusement or entertainment whether or not the same be incidental to some other usiness or occupation, at the rate of one and one-half mills ($.0015) on each dollar e volume of the annual gross business transacted by them.

(d) The tax imposed by this section shall not apply to the dollar olume of annual business covering the resale of goods, wares or merchandise aken by a dealer as a trade-in or part-payment for other goods, wares and rchandise, except to the extent that the resale price exceeds the trade-in lowance.

SECTION 5. COMPUTATION OF VOLUME OF BUSINESS.

(a) Every person subject to the payment of the tax hereby imposed, who has commenced his business at least one (1) full year prior to the beginning of any license year, shall compute his annual gross volume of business upon the annual gross amount of business transacted by him during the preceding calendar year.

(b) Every person subject to the payment of the tax hereby imposed, who has commenced or who commences his business less than one (1) full year prior to the beginning of any license year, shall compute his annual gross volume of business for such license year upon the gross volume of business transacted by him during the first month he engages in business multiplied by twelve (12).

(c) Every person subject to the payment of the tax hereby imposed, who commences his business subsequent to the beginning of any license year, shall compute his annual gross volume of business for such license year upon the gross volume of business transacted by him during the first month of his engaging in business multiplied by the number of months or fraction thereof he engages in business in such license year.

(d) Every person subject to the payment of the tax hereby imposed, who engages in a business temporary, seasonal or itinerant by its nature, shall compute his annual gross volume of business upon the actual gross amount of business transacted by him during such license year.

(e) Every person who shall discontinue business during any license year after having paid the Mercantile Tax for the entire year, upon making proper application to the Tax Collector shall be entitled to receive a refund of prorata amount of the tax paid, based upon the period of time he was not in business during the license year.

SECTION 6. RETURNS.

(a) Every return shall be made upon a form furnished by the Tax Collector.

(b) Every person subject to the tax imposed by this ordinance, who has commenced his business at least one (1) full year prior to the beginning of the license year, shall, on or before the fifteenth day of April following, and annually thereafter, file with the Tax Collector a return setting forth his name, business and business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during the preceding calendar year and the amount of the tax due.

(c) Every person subject to the tax imposed by this ordinance, who has commenced his business less than one (1) full year prior to the beginning of the license year, shall, on or before the fifteenth day of April following, and annually thereafter, file with the Tax Collector a return setting forth his name, business, business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during his first month of business and the amount of the tax due.

(d) Every person subject to the tax imposed by this ordinance, who commences business subsequent to the beginning of the license year, shall, within forty (40) days from the date of commencing such business, file a return with the Tax Collector setting forth his name,

business, business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during his first month of business and the amount of the tax due.

(e) Every person subject to the payment of the tax imposed by this ordinance, who engages in a business temporary, seasonal or itinerant by its nature, shall, within seven (7) days from the date he completes such business, file a return with the Tax Collector setting forth his name, residence, business, business address, and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during such period and the amount of the tax due.

SECTION 7. PAYMENT AT TIME OF FILING RETURN. At the time of filing the return, the person making the same shall pay the amount of tax shown as due thereon to the Tax Collector.

SECTION 8. POWERS AND DUTIES OF TAX COLLECTOR.

(a) It shall be the duty of the Tax Collector to collect and receive the taxes, fines and penalties imposed by this ordinance. It shall also be his duty to keep a record showing the amount received by him from each person paying the tax and the date of such receipt.

(b) The Tax Collector is hereby charged with the administration and enforcement of the provisions of this ordinance, and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this ordinance, including provision for the re-examination and correction of returns, and payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred. Any person aggrieved by any final decision of the Tax Collector shall have the right of appeal to a court of competent jurisdiction within sixty (60) days of the date of the Tax Collector's decision.

(c) The Tax Collector is hereby authorized to examine the books, papers and records of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made, or, if no return was made, to ascertain the tax due. Every such taxpayer, or supposed taxpayer, is hereby directed and required to give to the Tax Collector the means, facilities and opportunity for such examinations and investigations as are hereby authorized.

(d) No deficiency assessment may be made more than five (5) years after the date on which such taxes should have been paid, except where a fraudulent return or no return has been filed.

SECTION 9. SUIT ON COLLECTION; PENALTY.

(a) The Tax Collector may sue for the recovery of taxes due and unpaid under this ordinance. Such suits shall be begun within one (1) year after such taxes have been assessed.

(b) If, for any reason, the tax is not paid when due, interest at the rate of six per centum (6%) per annum on the amount of said tax, and an additional penalty of one-half of one per centum (1/2%) of the amount of the unpaid tax for each month or fraction thereof during which the tax remains unpaid, shall be added and collected. Where suit is brought for the recovery of any such tax, the person liable therefor shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

SECTION 10. FINES AND PENALTIES. Whoever makes any false or untrue statement on his return, or who refuses to permit inspection of the books, records or accounts of any business in his custody or control when the right to make such inspection by the Tax Collector is requested, and whoever fails or refuses to file a return required by this ordinance, and whoever fails or refuses to procure a Mercantile License, when so required under this ordinance, or fails to keep his license conspicuously posted at his place of business as required here shall, upon conviction before any District Magistrate be sentenced pay a fine of not more than Three Hundred Dollars ($300.00) for each offense, and, in default of payment of said fine, be imprisoned for a period not exceeding thirty (30) days for each offense.

SECTION 11. SAVING CLAUSE.

(a) Nothing contained in this ordinance shall be construed to empower the Township to levy & collect the taxes hereby imposed on any person, business, or any portion of any business not within the taxing power of the Township under the Constitution of the United States, and the laws and Constitution of the Commonwealth of Pennsylvania.

(b) If the tax, or any portion thereof, imposed upon any person under the provisions of this ordinance, shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania, the decision of the court shall not affect or impair the right to impose the taxes or the validity of the taxes so imposed upon other persons as herein provided.

SECTION 12. PAYMENT UNDER PROTEST; REFUNDS.

The Tax Collector is hereby authorized to accept payment under protest of the amount of Mercantile Tax claimed by the Township in any case where the taxpayer disputes the validity or amount of the Township's claim for tax. If it is thereafter judicially determined by a court of competent jurisdiction that the Township has been overpaid, the amount of the overpayment shall be refunded to the taxpayer.

SECTION 13. This Ordinance shall become effective January 1, 1980.

SECTION 14. That any Ordinance or part of Ordinance, conflicting with the provisions of this Ordinance, be and the same is hereby repealed so far as the same affects this Ordinance.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 10th day of December, 1979.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 648

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE CURRENT YEAR.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Wilkins Township, County of Allegheny, Pennsylvania.

SECTION I. That for the expenses for the fiscal year 1980 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form:

GENERAL OPERATING FUNDS

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and securities for appropriation | 8,694.00 |
| Receipts from taxes - Schedule D | 972,951.00 |
| Other Revenue Receipts | 22,415.00 |
| Non-revenue Receipts | 247,400.00 |
| TOTAL ESTIMATED RECEIPTS AND CASH | 1,251,460.00 |

SUMMARY OF APPROPRIATIONS

GENERAL GOVERNMENT

| | |
|---|---|
| Administration | 121,163.00 |
| Tax Collection | 25,395.00 |
| Municipal Building | 29,875.00 |
| TOTAL | 176,430.00 |

PROTECTION TO PERSONS AND PROPERTY

| | |
|---|---|
| Police | 366,234.00 |
| Fire | 48,450.00 |
| Building, Regulation, Planning, Zoning | 3,805.00 |
| TOTAL | 418,489.00 |

HEALTH AND SANITATION

| | |
|---|---|
| Sanitary Sewers, Collections and Disposal | 7,200.00 |
| Ash and Rubbish Collections and Disposal | 46,556.00 |
| TOTAL | 53,756.00 |

HIGHWAYS

| | |
|---|---|
| General Services | 306,095.00 |

RECREATION

| | |
|---|---|
| General Recreation Services | 13,145.00 |
| TOTAL GENERAL OPERATING FUNDS | 965,901.00 |

NON-GOVERNMENTAL EXPENDITURES

| | |
|---|---|
| Refunds of prior years receipts | 5,000.00 |
| Principal to be paid on Indebtedness and Interest | 208,000.00 |
| Transfers to other Funds (Capital Reserve) | 70,000.00 |
| TOTAL | 283,000.00 |
| TOTAL APPROPRIATIONS FROM GENERAL FUND | 1,250,915.00 |

STATE LIQUID FUELS HIGHWAY AID FUND

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and Securities for appropriation | 932.00 |
| Interest earnings | 600.00 |
| State Motor License Fund Grants | 54,624.00 |
| TOTAL ESTIMATED RECEIPTS AND CASH | 56,156.00 |
| SUMMARY OF APPROPRIATIONS - TOTAL EXPENDITURES | 56,156.00 |

FEDERAL REVENUE SHARING FUND

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and securities for appropriation | 4,517.00 |
| Federal Revenue Sharing Grants | 112,946.00 |
| TOTAL ESTIMATED RECEIPTS AND CASH | 117,463.00 |

SUMMARY OF APPROPRIATIONS

| | |
|---|---|
| Operation and Maintenance | 92,384.00 |
| Capital Outlay | 12,500.00 |
| TOTAL APPROPRIATIONS | 104,884.00 |

SECTION II. An estimate of the specific items making up the amounts appropriated to the respective Departments is on file in the office of the Township of Wilkins, Pennsylvania.

SECTION III. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED this 26th day of December, 1979.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 649

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1980.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Wilkins Township, County of Allegheny, Pennsylvania;

That a tax be and the same is hereby levied on all property within the said municipality subject to taxation for the fiscal year 1980 as follows:

Tax rate for general purposes, the sum of thirteen (13) mills on each dollar of assessed valuation, or the sum of 130 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

| | Mills on each Dollar of Assessed Valuation | Cents on each One Hundred Dollars of Assessed Valuation |
|---|---|---|
| Tax Rate for General Purposes | 13 Mills | 130 Cents |
| TOTAL | 13 Mills | 130 Cents |

BE IT FURTHER ORDAINED AND ENACTED that any Ordinance or part of Ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this 26th day of December, 1979.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

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# ORDINANCE NO. 650

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 BY PROVIDING FOR VEHICULAR TRAFFIC INFORMATION IN PERMIT APPLICATIONS, REGULATING THE ISSUANCE OF PERMITS IN CERTAIN CASES AND REGULATING THE USE OF LAND FOR VEHICULAR RIGHTS OF WAY.

WHEREAS, it has been determined by the Board of Commissioners of the Township of Wilkins that commercial and industrial use of property with the Township is in some areas generating excessive traffic at or near major thoroughfares, their intersections and interchanges and local transportation arteries; and

WHEREAS, it has been determined that volumes of traffic are now such as to overburden the use of local streets and state highways, causing danger and inconvenience to the public as well as damage and excessive wear on public streets.

NOW, THEREFORE, THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Article Three of Ordinance No. 542 is amended by adding threrto the following sections:

308 Vehicular Traffic Control

308.1 All applications for building or occupancy permits for any commercial, manufacturing or industrial use of any property abutting a public street accepted and maintained as a public street by the Township of Wilkins or the Commonwealth of Pennsylvania shall contain the following information:

(1) A clear description of the land use and purpose for which the property is to be used or reused.

(2) The precise location of all driveways and driveway approaches serving all roads and abutting properties.

(3) The number of parking spaces existing or to be created on the property.

(4) The identity of any abutting property whether or not within the Township of Wilkins from which vehicular traffic is to be connected to the public street by transversing the property for which application is made.

308.2 Where it appears from the application that the number of daily vehicular trips to or from the property will exceed one hundred or more, the applicant shall provide a detailed report of existing and forecasted vehicular traffic activity which may result from use of the property and the public street.

308.3 The aforesaid report shall be prepared by a person qualified in the field of traffic engineering. In addition to the requirements of Section 308.2 hereof, the report shall contain conclusions concerning the impact of the proposed land use or reuse on the flow of traffic, shall provide vehicle trip generation rates, vehicle trip deployment patterns, identify street capacity and/or safety deficiencies within the environs of the proposed development, and shall recommend maximum size and gross weight limits for vehicles based on the width, grade, configuration and condition of the public street.

308.4 The Zoning Officer shall review the application and where the information supplied is incomplete, or, to the officer's knowledge, inaccurate, the officer shall obtain an independent study by a person qualified in traffic engineering at the expense of the applicant.

308.5 No permit shall be issued for any building or use where it appears from the traffic reports that the traffic generated by the use will create a danger to the health, safety or welfare of the public or of Township residents by reason of exceeding the capacity of public streets; lack of proper traffic control at nearby major thoroughfares, their intersections or interchanges; or, because the proposed use involves vehicles in excess of the size or weight which can safely traverse the public street by reason of street grade, width or configuration.

308.6 No part of any property in the commercial, industrial, or manufacturing districts, whether a use or occupancy permit has been heretofore or is hereafter issued, shall be used as a right of way to connect the land under permit to any abutting property for passage of vehicular traffic, unless a permit for such use is applied for and issued by the Township of Wilkins.

SECTION II. Nothing contained in this ordinance shall be construed to repeal or diminish the provisions of Ordinance No. 621 adopted August 29, 1977.

SECTION III. This ordinance is adopted pursuant to Section 605(2) of the Pennsylvania Municipalities Planning Code.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 11th day of February, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 651

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING THE COMPENSATION OF THE TOWNSHIP MANAGER.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. The annual compensation of the Township Manager is established at $24,410.00 payable in installments as shall be determined by the Board of Commissioners. Said rate to be effective January 1, 1980.

SECTION II. The Manager shall be eligible for all the benefits previously authorized.

SECTION III. The Manager shall be entitled to an automobile expense allowance of $100.00 per month effective January 1, 1980 for use of personal car on official duties including building inspection and code enforcement work.

SECTION IV. Any ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this eleventh day of February, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 652

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RE-SURFACING OF LUCINDA DRIVE, HARRISON ROAD, TONGALUCAS STREET, IVY STREET, MORTIMER AVENUE (SOUTH OF PEFFER), CHARNWOOD DRIVE, HAWTHORNE DRIVE, MAPLE LANE, PATTERSON STREET, LINHART STREET, LENEAKE STREET, PENN CENTER BOULEVARD (LAUREL VILLAGE TO RODI ROAD), QUEENSTON DRIVE, DELANEY DRIVE, HIGHLAND AVENUE, CLUGSTON AVENUE, NEGLEY AVENUE (REBECCA TO CHURCHILL), CURRY AVENUE, ROLAND ROAD, AND NANETTE DRIVE.

THE TOWNSHIP ORDAINS AS FOLLOWS:

SECTION I. The re-surfacing of the following public roads is hereby authorized and directed:

A. SLURRY SEAL:

Lucinda Drive
Harrison Road
Tongalucas Street
Ivy Street
Mortimer Avenue (south of Peffer)
Charnwood Drive
Hawthorne Drive
Maple Lane
Patterson Street
Linhart Street
Leneake Street
Penn Center Boulevard (Laurel Village to Rodi Road)
Queenston Drive
Delaney Drive
Highland Avenue
Clugston Avenue
Negley Avenue (Rebecca to Churchill)
Curry Avenue
Roland Road
Nanette Drive

B. Re-surfacing of such other streets as may be accommodated within the budget allotment for this purpose and provided the work is recommended by the Township Engineer and approved by the Board of Commissioners.

SECTION II. The materials and work shall be supplied and done according to the plans and specifications, therefore, as prepared by the Township Engineer, which plans and specifications are adopted as part of this ordinance and are on file in the office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described re-surfacing shall be done in accordance with the plans and specifications and proposal, therefore, by contract with the lowest responsible bidder or bidders, and the proper officers of the Township of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be paid by the Township of Wilkins and the same is hereby appropriated, therefore, out of funds now or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 10th day of March, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 653

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REQUIRING THE REMOVAL OR REPAIR OF A DANGEROUS STRUCTURE TITLED IN THE NAME OF ARTHUR A. AND THERESA M. WISEN PROVIDING FOR THE DEMOLITION THEREOF BY THE TOWNSHIP OF WILKINS AND FOR THE FILING OF A MUNICIPAL CLAIM.

WHEREAS, investigations by officials of the Township of Wilkins, officials of the Township's Volunteer Fire Companies, and officials of the Allegheny County Health Department have revealed that a structure located on the property hereinafter described is dilapidated, vacant, dangerous to health and safety and deemed a nuisance within the meaning of the Act of Assembly of the Commonwealth of Pennsylvania, June 24, 1931, P.L. 1206, Art. IV, Section 1502, CL XXVI, as supplemented and amended.

AND, WHEREAS, it has been determined by the Board of Commissioners of the Township of Wilkins that such a structure should be repaired or removed by demolition. It is hereby ordained and enacted by the Township of Wilkins as follows:

SECTION I. The following structure situate in the Township of Wilkins, Allegheny County, PA is hereby declared to be a dangerous structure and nuisance:

Two (2) story brick single dwelling erected on property at 187 Harrison Road being designated as Block and Lot No. 454-D-171. Owner of record Arthur A. and Theresa M. Wisen

SECTION II. The owner of the structure above described must commence the repair or removal within thirty one (31) days notice thereof.

SECTION III. The notice to repair or remove shall be given to said owner in writing by registered or certified mail to their last known address and where no address is known the notice shall be posted upon the property declared to have a nuisance erected thereon.

SECTION IV. Every notice issued pursuant to Sections II and III of the Ordinance shall contain a clause as follows: "Any owner, agent or occupant interested who may feel himself aggrieved by the directive of the Ordinance requiring removal or repair of the structure involved may challenge the legality of the Ordinance by filing a complaint within thirty (30) days of the date of delivery of this notice (or the posting of same) in the Court of Common Pleas of Allegheny County, Pennsylvania." The notice shall contain the effective date of the Ordinance.

SECTION V. In the event the notice required hereby is not delivered prior to the effective date of this Ordinance, the Township shall waive any requirement for the filing of a complaint within thirty (30) days of the effective date of the Ordinance and shall not contest the time of filing of any complaint to test the validity of this Ordinance if said complaint is filed within thirty (30) days of delivery of the notice herein required or within thirty (30) days of posting of same.

SECTION VI. In the event the owner of any dangerous structure fails to commence or complete repairs or removal, after notice, within the time limits prescribed by such notice the proper Township officials are hereby authorized to advertise for bids for demolition of such structures and the restoration of the land to its natural state and to enter into a contract with the lowest responsible bidder, or if feasible, the work may be done in whole or in part by Township employes.

SECTION VII. The proper Township officials and Solicitor are hereby authorized and directed to file a municipal claim and lien against the lot or lots appurtenant to any structure razed by the Township of Wilkins, in connection therewith together with a penalty of ten (10) percent as provided by law or the said costs and expenses may be collected by an action in assumpsit against the owners of said dangerous structure.

SECTION VIII. Any ordinance or part thereof conflicting with the provisions of this Ordinance be and the same is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this tenth day of March, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 654

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING AND DIRECTING THE PROPER TOWNSHIP OFFICIALS TO EXECUTE AND DELIVER AN AGREEMENT WITH THE WILKINSBURG-PENN JOINT WATER AUTHORITY FOR THE CONSTRUCTION OF A WATER LINE ON NEGLEY AVENUE AND FURTHER AUTHORIZING CONSTRUCTION OF SAID WATER LINE UNDER CONTRACT TO THE LOWEST RESPONSIBLE BIDDER.

THE TOWNSHIP OF WILKINS HEREBY ordains as follows:

SECTION I. The proper Township officials are authorized and directed to execute and deliver on behalf of the Township an agreement with the Wilkinsburg-Penn Joint Water Authority in substantially the form of agreement annexed hereto and made a part hereof.

SECTION II. Construction of a water line on Negley Avenue is authorized and directed in accordance with the plans and specifications prepared by the Wilkinsburg-Penn Joint Water Authority which are on file in the office of the Township Secretary at 110 Peffer Road, Wilkins Township, Allegheny County, Pennsylvania where they may be examined by any interested person.

SECTION III. The work of construction and purchase of labor and material necessary for the above described water line shall be done and furnished by contract with the lowest responsible bidder after due advertisement according to law and the proper Township officials are hereby authorized and directed to execute and deliver a contract form for same, on behalf of the Township, with the successful bidder.

SECTION IV. The costs and expenses of the project are hereby appropriated from the Township Treasury.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of April, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

M Joe Martinelli
Wilmer K. Baldwin, Secretary

4046

# A G R E E M E N T

THIS AGREEMENT made this 14th day of April, 1980, by and between the TOWNSHIP OF WILKINS, a Township of the First Class, situate in the County of Allegheny, Commonwealth of Pennsylvania, first party,

a
n
d

THE WILKINSBURG-PENN JOINT WATER AUTHORITY, a municipal authority created under the laws of the Commonwealth of Pennsylvania, having its principal place of business at 2200 Robinson Boulevard, Wilkinsburg, Allegheny County, Pennsylvania, second party.

WHEREAS, first party is desirous of securing the extension of a public water supply on Negley Avenue in the Borough of Turtle Creek, and

WHEREAS, first party has or will enter into a contract to have a water distribution main constructed for the above purpose, and

WHEREAS, said water line to be constructed must be attached to and become a part of the present water system of the second party, and

WHEREAS, the second party does grant permission for such connection to be made under and subject to conditions hereinafter set out, and further agrees to maintain a public water supply to and through such distribution line to be constructed.

NOW, THEREFORE, in consideration of One ($1.00) Dollar and the premises set forth hereinabove and hereinafter, it is agreed by and between the parties as follows:

FIRST: First party shall, at its own expense, but subject to the inspection and supervision of the second party, construct the aforesaid water line in accordance with the plat or plan attached hereto and made a part hereof, and the specifications set forth in the contract aforesaid.

SECOND: Second party shall, at the expense of the first party, prepare a draft of the plans and specifications for the Township's advertisement for bids, and shall, also at the expense of the first party or its Contractor, furnish an inspector during the construction of the said water line, install the necessary blow-off, and sterilize the line for use.

THIRD: Upon completion of said water line in a manner acceptable to the second party, the first party shall grant and convey by special warranty deed, at a time suitable to it but no later than two (2) years from the completion of said line, the within water distribution line and the appurtenances thereto to the second party.

FOURTH: From the date of its completion until the aforesaid deed is delivered, it is the obligation of the first party to maintain such line. The second party agrees that from the date of the delivery of such deed, as between the parties hereto, it will maintain the aforesaid water distribution line.

FIFTH: The second party agrees that upon the completion of such line, it will furnish a public supply of water through said water distribution line as soon as the same is required and necessary.

SIXTH: The second party agrees that from the date of the recording of special warranty deed referred to above, it will pay to the first party the sum of Fifty and no/100 ($50.00) Dollars for each property abutting on the pipe line to take service and become occupied within a period of ten (10) years from the date of said recording. The second party further agrees that when and if, within said period, the municipal authorities pay for fire service from said pipe line, it will pay to the first party the sum of Forty-four (44¢) Cents per foot of the completed length laid on public streets, provided, however, that all payments shall be made without interest; that the second party shall make payments at reasonable intervals but may not be required to make payments more often than once each year; that no payment will be made for any property connected to said pipe line nor public fire service therefor paid after the expiration of ten (10) years from the date of the recording of the said warranty deed, and that the total amount refunded shall in no event exceed the amount actually paid by the first party for the construction of the line.

SEVENTH: The first party warrants that the present physical level or grade of the said Negley Avenue, at the place where the said distribution line is to be constructed, is the duly established grade, or that if said grade should be so established as to necessitate raising or lowering of said line, that the said line will be raised or lowered at the expense of the first party.

EIGHTH: It is further agreed by and between the parties that the second party shall have the right to tap into the aforesaid line or to further extend the aforesaid line subsequent to its completion but before the actual title to the line is conveyed to second party. Should the Authority in the making of such tap or taps cause actionable damage to the existing line or adjacent property owners, it will indemnify and hold harmless the first party from any and all claims arising from its action in making such tap or taps.

IN WITNESS WHEREOF, the parties hereto have placed their hands and seals this 14th day of April, 1980.

THE TOWNSHIP OF WILKINS

ATTEST:

M. J. Martinelli
Secretary Asst

[illegible]
President, Board of Commissioners (SEAL)

THE WILKINSBURG-PENN JOINT WATER AUTHORITY

ATTEST:

Assistant Secretary

Chairman (SEAL)

# THE WILKINSBURG-PENN JOINT WATER AUTHORITY

SKETCH

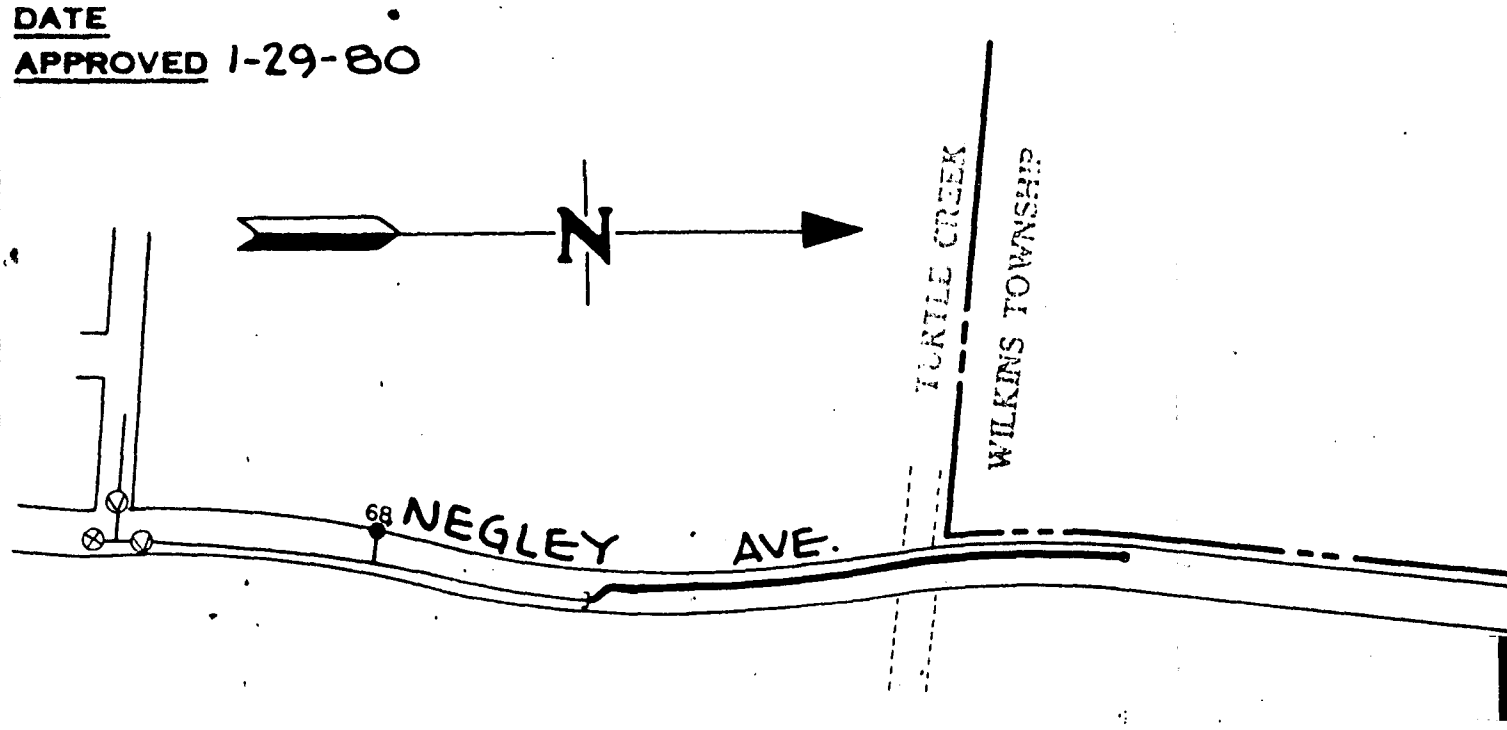
SHOWING PROPOSED INSTALLATION ON NEGLEY AVENUE
BOROUGH OF TURTLE CREEK • ALLEGHENY COUNTY - PENNA.

AS SHOWN IN RED.

SCALE 1" = 200'

JAN. 29, 1980

DATE
APPROVED 1-29-80




EXTENSION NO. 1712

APPROX. 560' OF 6" MAIN
ALONG NEGLEY AVENUE

EXT. NO. 1712

# ORDINANCE NO. 655

AN ORDINANCE OF THE TOWNSHIP OF WILKINS VACATING A FIFTEEN FOOT RIGHT OF WAY SEPARATING LOTS NOS. 243 and 244 IN PENHURST PLAN NO. ONE.

WHEREAS, the Board of Commissioners of the Township of Wilkins, after hearing duly held on January 14, 1980, have made their written report in favor of vacating a fifteen foot right of way separating Lots Nos. 243 and 244 in Penhurst Plan No. One as recorded in the Office of the Recorder of Deeds for Allegheny County, in Plan Book Volume 77, pages 91 and 92, a public way within the Township of Wilkins, and have filed the same in the Court of Common Pleas of Allegheny County, Pennsylvania, Criminal Division, at Comm. Road Docket, 3 January 1980, pursuant to the provisions of the First Class Township Code, Article XX, Section 2005 et seq. and no exceptions have been filed thereto.

NOW, THEREFORE, be it ordained and it hereby is ordained by the Township of Wilkins as follows:

SECTION I. A fifteen foot right of way separating the above described properties, as shown on the Survey hereinafter described shall be and same hereby is declared to be vacated with the purpose and intent that its use as a public right of way be extinguished.

SECTION II. A Survey (entitled "Vacation Plan of Pedestrian Right of Way", prepared by Nandor Engineers, dated November 13, 1979) showing in detail by course and distance, the parcel vacated is on file and may be examined in the Office of the Secretary of the Township of Wilkins in the Municipal Building, 110 Peffer Road, Wilkins Township, Allegheny County, Pennsylvania.

SECTION III. All ordinances or parts of ordinances in conflict with this ordinance are repealed insofar as they are in conflict herewith.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this fourteenth day of April, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

M Jo. Martinelli
Wilmer K. Baldwin, Secretary
Asst.

# ORDINANCE NO. 656

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE INCREASE OF NON-ELECTORAL INDEBTEDNESS OF THE TOWNSHIP FOR CERTAIN CAPITAL IMPROVEMENTS AND ACCEPTING THE PROPOSAL OF THE PITTSBURGH NATIONAL BANK RELATIVE THERETO.

WHEREAS, the Township of Wilkins, (hereinafter the 'Local Government Unit') deems it advisable to borrow ONE HUNDRED SEVENTY-SEVEN THOUSAND DOLLARS pursuant to the Local Government Unit Debt Act (herein the 'Act') for the purpose of constructing sanitary sewer facilities in the First Ward of the Township reconstruct sanitary sewer facilities on Thorncrest Drive and construct water line on Negley Avenue (hereinafter the 'Project'); and

WHEREAS, the Local Government Unit has obtained an estimate of the cost of the Project by taking bids, obtaining an option, obtaining estimates from registered architects, professional engineers or other persons qualified by experience (delete whichever methods of obtaining costs are inapplicable); and

WHEREAS, said cost has been determined to be $396,300.00; and

WHEREAS, notice of the following ordinance has been duly advertised in accordance with Section 103 of the Act; and

WHEREAS, Pittsburgh National Bank (hereinafter the 'Bank') has presented a written proposal to this meeting to purchase a note to be issued by the Local Government Unit;

NOW, THEREFORE, BE and it hereby is ordained and enacted that:

1. The indebtedness of the Local Government Unit be increased in the amount of ONE HUNDRED SEVENTY-SEVEN THOUSAND ($177,000.00) DOLLARS to be evidenced by the issuance of an installment note (herein the 'Note') in the form of the Note presented to this meeting and incorporated into the minutes hereof as Exhibit N.

2. The debt to be incurred is non-electoral debt and is to be incurred to pay the costs of the Project, the useful life of which is one hundred years.

3. The Note shall be sold at a private sale.

4. The Local Government Unit accepts the proposal of the Bank to purchase the Note, at par. The Note will be dated the date of its delivery, will mature in the following installments on the following dates:

| DATE | AMOUNT |
|---|---|
| June 1981 | 22,125.00 |
| June 1982 | 22,125.00 |
| June 1983 | 22,125.00 |
| June 1984 | 22,125.00 |
| June 1985 | 22,125.00 |
| June 1986 | 22,125.00 |
| June 1987 | 22,125.00 |
| June 1988 | 22,125.00 |

will bear interest at the rate of 9½% per annum on the unpaid balance, payable semi-annually, and will be redeemable at the option of the Local Government Unit at any time without premium or penalty.

5. The proposal of the Bank presented to this meeting shall be incorporated into the minutes hereof as Exhibit 'B' and the proper officers of the Local Government Unit, namely the President and Secretary, are hereby authorized and directed to execute and deliver on behalf of and under the seal of the Local Government Unit an acceptance of said proposal.

6. The proper officers of the Local Government Unit, namely President and Secretary, are hereby authorized and directed to prepare, certify and file the debt statement required by Section 410 of the Local Government Unit Debt Act.

7. The Note shall be a general obligation of the Local Government Unit Debt Act. Local Government Unit hereby covenants with the holder, from time to time, of the Note that it will include the amount of the debt service for each fiscal year in which any installment of principal or interest is payable in its budget for that year, will appropriate such amounts to the payment of such debt service and will duly and punctually pay or cause to be paid the principal and interest on the Note on the dates and at the places and in the manner stated therein according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Local Government Unit hereby pledges its full faith, credit and taxing power.

8. Pittsburgh National Bank is hereby designated as the Sinking Fund Depository for the Note and there is hereby created a Sinking Fund for the payment of the principal and the interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer of the Local Government Unit shall deposit into the Sinking Fund sufficient amounts for payment of principal and interest on the Note no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, without further action by the Local Government Unit withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the Note.

9. Upon approval of the Department of Community Affairs of the Commonwealth of Pennsylvania to issue the Note, the appropriate officer, namely The President, shall execute and affix the seal of the Local Government Unit to the Note and the Secretary shall attest the same and either or both officers shall deliver the Note to the Bank.

10. The proper officers of the Local Government Unit are hereby authorized and directed to do all acts necessary and proper for the issuance and securing the said Note.

11. This Ordinance shall be deemed to be a contract with the holders, from time to time, of the Note and the covenant contained in Section 7 hereof shall be specifically enforceable.

WITNESS the due execution hereof this 12th day of May, 1980.

TOWNSHIP OF WILKINS
BOARD OF COMMISSIONERS

By Joseph J. Dombrosky
Joseph J. Dombrosky, President

ATTEST:
Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 657

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 AND THE ZONING MAP TO REZONE CERTAIN PROPERTY IN PENN CENTER FROM R-4 RESIDENTIAL TO COMMERCIAL.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. The Zoning Map adopted as part of Ordinance No. 542 is hereby amended so as to rezone the following property situate in the Township of Wilkins, Allegheny County, Pennsylvania from zoning district classification R-4 Residential to Commercial, viz:

BEGINNING at a point, being the intersection of the easterly right of way line of L.R. 395, more commonly known as Rodi Road, and the center line of Penn Center Boulevard, thence by said center line of Penn Center Boulevard the following courses and distances South 58° 08' East a distance of 9.21 feet to a point of curve, thence by the arc of a circle curving to the right, having a radius of 400.00 feet a distance of 70.10 feet to a point of tangent, thence South 48° 05' 30" East a distance of 73.76 feet to a point of curve, thence by the arc of a circle curving to the right, having a radius of 700.00 feet, a distance of 138.74 feet to a point of tangent, thence South 36° 44' 10" East a distance of 124.66 feet to a point of curve, thence by the arc of a circle curving to the right, having a radius of 350 feet, a distance of 126.45 feet to a point of tangent, thence South 16° 02' 10" East a distance of 205.02 feet to a point of curve, thence leaving said center line of Penn Center Boulevard North 73° 57' 50" East a distance of 25.00 feet to a point on the easterly right of way line of Penn Center Boulevard, said point being the true point of beginning of the herein described tract of land.

BEGINNING at a point, said point being the true point of beginning, thence North 73° 57' 50" East a distance of 196.311 feet to a point, thence South 1° 52' 21" East a distance of 339.784 feet to a point, thence South 28° 20' West a distance of 335.00 feet to a point, thence South 66° 00' West a distance of 127.14 feet to a point, said point being on the easterly right of way line of Penn Center Boulevard, thence continuing by said easterly right of way line the following courses and distances North 19° 27' 40" West a distance of 12.23 feet to a point of curve, thence by the arc of a circle curving to the right, having the radius of 275.00 feet, a distance of 175.945 feet to a point of tangent, thence North 17° 11' 50" East a distance of 273.87 feet to a point of curve, thence by the arc of a circle curving to the left, having a radius of 325.00 feet, a distance of 188.51 feet to a point of tangent, said point being the true point of tangent, said point being the true point of beginning.

CONTAINING 2.789 acres.

SECTION II. A Plan of the property above described, prepared by Triangle Engineering and Planning Service, Inc. dated April 2, 1980 is made a part of this Ordinance by reference thereto.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 27th day of May, 1980

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

052

# ORDINANCE NO. 658

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN FOR TOWNSHIP SANITARY SEWER PURPOSES OF THE NECESSARY EASEMENTS ACROSS, THROUGH, AND UNDER CERTAIN PRIVATE PROPERTIES IN SAID TOWNSHIP AND SETTING FORTH THE NAMES OF THE OWNERS THEREOF.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. The Township of Wilkins hereby appropriates and takes working easements and permanent easements, situate on the properties hereinafter described, for Township purposes for use in the construction and laying of sanitary sewers, manholes and appurtenant facilities.

Upon completion of the construction of said sanitary sewer, said working easements shall be reduced to permanent easements situate in and over the properties hereinafter described for Township purposes for use in the operation, replacement, removal and maintenance of said sanitary sewers, manholes and appurtenances, which permanent easements are hereby appropriated and taken.

SECTION II. The aforesaid easements in the Township of Wilkins are situate in the Township of Wilkins, Allegheny County, Pennsylvania in realty deeded to, registered in the names of and owned by the following persons in the Crestmont Plan of Lots as recorded in the Office of the Recorder of Deeds for Allegheny County, Pennsylvania, in Plan Book Volume 79, Pages 184-187:

| Owner | Crestmont Plan Lot No. | Deed Registry Block & Lot | Deed Book Volume & Page Reference |
|---|---|---|---|
| Orlando Gulatieri, Jr. & Barbara Ann Gualtieri, his wife | No. 1 | 452-S-122 | 4498-552 |
| Robert L. Ruppel and Eileen Marie Ruppel, his wife | No. 8 | 452-S-124 | 5034-229 |
| Robert A. Lapidus and Barbara Lapidus, his wife | No. 9 | 452-S-126 | 4741-685 |

SECTION III. Plans prepared by the Township Engineer, showing the exact location of the easements aforesaid are adopted as a part of this Ordinance and are on file in the Office of the Township Secretary, where same may be examined by any interested person.

SECTION IV. Temporary working easements for test bores are hereby taken and appropriated in the subject properties to be located as designated on the plan prepared by Eugene Hannigan Consulting Engineers, which plan is adopted as part of the Ordinance and is on file in the Office of the Township Secretary, where same may be examined by any interested person.

Additional temporary easements for test bores are hereby taken and appropriated in the subject properties to be located as designated from time to time by the Township Engineer.

SECTION V. The Township Solicitor is directed to prepare, file and serve Declarations of Taking upon the aforesaid property owners in accordance with law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 27th day of May, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky,
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

058

# ORDINANCE NO. 659

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN TOWNSHIP STREETS AND IN CERTAIN PRIVATE PROPERTY, DESIGNATING THE PROJECT AS NUMBER THREE HILL SANITARY SEWER DISTRICT, PROVIDING FOR THE WORK OF CONSTRUCTION TO BE DONE UNDER CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER AND PROVIDING FOR THE ASSESSMENT OF COSTS, DAMAGES AND BENEFITS UPON THE PROPERTIES ACCOMMODATED, BENEFITED AND TAKEN AS ASCERTAINED BY A DULY APPOINTED BOARD OF VIEW.

THE TOWNSHIP OF WILKINS hereby ordains as follows:

SECTION I. The construction of an eight inch sanitary sewer and appurtenant manholes is hereby authorized and directed along Harrison Road, Farnsworth Avenue and Patterson Street and through private property, all in the Township of Wilkins, as more particularly shown on the plans prepared by Nandor Engineering Company, Inc. which are incorporated herein by reference thereto and which are on file in the Office of the Township Secretary, 110 Peffer Road, Wilkins Township, where the plans may be examined by any interested person.

SECTION II. The work of the construction of such sewer and the purchase of material and labor necessary shall be done or furnished, or caused to be done or furnished by contract to the lowest responsible bidder or bidders on specifications of the Township Engineer.

SECTION III. Upon the completion and construction of said sewer, the costs, damages and benefits accruing to the properties accommodated, benefited and taken shall be ascertained by a duly appointed Board of View.

SECTION IV. The sanitary sewer project herein authoried shall be known as and is hereby designated as the Number Three Hill Sanitary Sewer District.

SECTION V. The funds required by this project are hereby appropriated from funds now or hereafter in the Township Treasury.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 30th day of June, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

056

# ORDINANCE NO. 660

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN FOR TOWNSHIP SANITARY SEWER PURPOSES OF THE NECESSARY EASEMENTS ACROSS, THROUGH, AND UNDER CERTAIN PRIVATE PROPERTIES IN SAID TOWNSHIP AND SETTING FORTH THE NAMES OF THE OWNERS THEREOF.

THE TOWNSHIP OF WILKINS ORDAINS as follows:

SECTION I. The Township of Wilkins hereby appropriates and takes working easements and permanent easements, situate on the properties hereinafter described, for Township purposes for use in the construction and laying of sanitary sewers, manholes and appurtenant facilities.

Upon completion of the construction of said sanitary sewer, said working easements shall be reduced to permanent easements situate in and over the properties hereinafter described for Township purposes for use in the operation, replacement, removal and maintenance of said sanitary sewers, manholes, and appurtenances, which permanent easements are hereby appropriated and taken.

SECTION II. The aforesaid easements in the Township of Wilkins are situate in the Township of Wilkins, Allegheny County, Pennsylvania in realty deeded to, registered in the names of and owned by the following persons on the streets indicated and identified by block and lot, and deed book volume and page number, viz:

| OWNER | STREET | DEED REGISTRY BLOCK & LOT | DEED BOOK VOLUME & PAGE |
|---|---|---|---|
| John Pedanic | Patterson Street | 454-D-132 | 3957 - 285 |
| Robert M. Fisher & Evelyn M. Fisher, his wife | Patterson Street | 454-D-130 | 4181 - 148 |
| George H. Hawkins & Janice R. Hawkins, his wife | Patterson Street | 454-C-22 | 4332 - 65 |
| Estate of Thomas M. Taylor | Patterson Street | 454-C-24 | 4136 - 409 |
| Robert M. Fisher & Evelyn M. Fisher, his wife | Farnsworth Avenue | 454-C-30 | 3424 - 707 |
| Estate of Thomas M. Taylor | Farnsworth Avenue | 454-D-270 | 4136 - 409 |
| Lura C. Taylor | Farnsworth Avenue | 454-H-10 | 3585 - 238 |
| Frank W. Hanson, Jr. & Sally Hanson, his wife | Patterson Street | 454-D-138 | 5871 - 273 |
| George Chernega & Doris M. Chernega, his wife | Patterson Street | 454-D-142 | 4698 - 454 |
| Frances A. Manzo & Gregory J. Manzo, son | Patterson Street | 454-D-148 | 6154 - 917 |
| Bruce R. Adamson | Patterson Street | 454-D-150 | 4556 - 165 |
| George Russel Chernega & Karen A. Chernega, his wife | Patterson Street | 454-D-152 | 5572 - 157 |
| Marie L. Oliver | Patterson Street | 454-D-158 | 6101 - 797 |
| George Rybar (wife died 3/12/72) | Patterson Street | 454-D-160 | 1874 - 249 |
| Nelson E. Kirkpatrick & Catherine E. Kirpatrick, his wife | Patterson Street | 454-D-162 | 3982 - 670 |
| Eugenio Guido & Florence Guido, his wife | Patterson Street | 454-D-136 | 2848 - 529 |

SECTION III. Plans prepared by the Township Engineer, showing the exact location of the easements aforesaid are adopted as a part of this Ordinance and are on file in the Office of the Township Secretary, where same may be examined by any interested person.

SECTION IV. The Township Solicitor is directed to prepare, file and serve Declarations of Taking upon the aforesaid property owners in accordance with law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 30th day of June, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 661

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 426 BY REVISING SECTION VI THEREOF TO PROHIBIT CERTAIN ACTIONS IN OR ON TOWNSHIP PROPERTY.

THE TOWNSHIP OF WILKINS hereby ordains as follows:

SECTION I. Section VI of Ordinance 426 adopted May 6, 1968 is hereby amended by deleting the first paragraph of Section VI and revising same to read as follows:

SECTION VI. The following actions are hereby prohibited in and on any property owned by the Township of Wilkins or the school lands of the Churchill Area School District, within the Township of Wilkins, including, but not limited to parks and public school grounds:

SECTION II. Section VI of Ordinance 426 is further amended by adding the following sub-paragraphs:

e. Use of Township recreational facilities without required proof of payment of any fee required by the Township.

f. Permitting any animal, whether tame, domestic or feral to enter upon any property of the Township, excepting dogs when used by blind persons.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this eleventh day of August, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 662

AN ORDINANCE OF THE TOWNSHIP OF WILKINS CREATING THE POSITION OF ORDINANCE ENFORCEMENT OFFICER AND SETTING FORTH THE POWERS AND DUTIES OF THAT OFFICE.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. There is hereby created the position of Ordinance Enforcement Officer.

SECTION II. One or more persons may be appointed by the Board of Commissioners of the Township of Wilkins as Ordinance Enforcement Officer and the compensation and emoluments for such office shall be established by resolution or motion of the Board of Commissioners.

SECTION III. It shall be the duty of the Ordinance Enforcement Officer to enforce all ordinances of the Township of Wilkins and for this purpose, the officer shall inspect the lands, buildings, structures, roads, streams, and any other areas and activities within the Township which are subject to regulation by any Ordinance or the First Class Township Code; the officer shall inspect public work projects when so directed by the Township Manager and shall when qualified, act as Rodent Control Officer.

SECTION IV. The Ordinance Enforcement Officer shall have the power to issue orders for abatement of violations of any ordinance and to issue citations against those persons, corporations, associations or other legal entities found to be in violation of any ordinance, said citations to be issued in accordance with applicable law.

ORDAINED AND ADOPTED BY THE BOARD OF COMMISSIONERS of the Township of Wilkins at a duly assembled meeting held this 8th day of December, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 663

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1981.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Wilkins Township, County of Allegheny, Pennsylvania;

That a tax be and the same is hereby levied on all property within the said municipality subject to taxation for the fiscal year 1981 as follows:

Tax Rate for general purposes, the sum of thirteen (13) mills on each dollar of assessed valuation, or the sum of 130 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

| | Mills on each Dollar of Assessed Valuation | Cents on each One Hundred Dollars of Assessed Valuation |
|---|---|---|
| Tax Rate for General Purposes | 13 Mills | 130 Cents |
| Total | 13 Mills | 130 Cents |

BE IT FURTHER ORDAINED AND ENACTED that any Ordinance or part of Ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this 29th day of December, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

064

# ORDINANCE NO. 664

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE CURRENT YEAR.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Wilkins Township, Allegheny County, Pennsylvania.

SECTION I. That for the expenses for the fiscal year 1981 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form:

## GENERAL OPERATING FUNDS

### SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and securities for appropriation | 95,925.00 |
| Receipts from taxes - Schedule D | 1,110,500.00 |
| Other Revenue Receipts | 67,750.00 |
| Non-revenue Receipts | 200,000.00 |
| TOTAL ESTIMATED RECEIPTS AND CASH | 1,474,175.00 |

### SUMMARY OF APPROPRIATIONS

#### GENERAL GOVERNMENT

| | |
|---|---|
| Administration | 129,240.00 |
| Tax Collection | 35,660.00 |
| Municipal Building | 37,450.00 |
| TOTAL | 202,350.00 |

#### PROTECTION TO PERSONS AND PROPERTY

| | |
|---|---|
| Police | 422,265.00 |
| Fire | 56,950.00 |
| Building, Regulation, Planning, Zoning | 7,280.00 |
| TOTAL | 486,495.00 |

#### HEALTH AND SANITATION

| | |
|---|---|
| Sanitary Sewers, Collections and Disposal | 5,000.00 |
| Ash and Rubbish Collections and Disposal | 61,000.00 |
| TOTAL | 66,000.00 |

#### HIGHWAYS

| | |
|---|---|
| General Services | 387,450.00 |

#### RECREATION

| | |
|---|---|
| General Recreation Services | 15,800.00 |
| TOTAL GENERAL OPERATING FUNDS | 1,158,095.00 |

#### NON-GOVERNMENTAL EXPENDITURES

| | |
|---|---|
| Refunds of prior years receipts | 2,500.00 |
| Principal to be paid on Indebtedness & Interest | 210,000.00 |
| Transfers to other Funds (Capital Reserve) | 103,000.00 |
| TOTAL | 315,500.00 |

| | |
|---|---|
| TOTAL APPROPRIATIONS FROM GENERAL FUND | 1,473,595.00 |
| UNAPPROPRIATED BALANCE | 580.00 |

STATE LIQUID FUELS HIGHWAY AID FUND

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and Securities for appropriation | 1,531.00 |
| Interest earnings | 670.00 |
| State Motor License Fund Grants | 50,114.00 |
| TOTAL ESTIMATED RECEIPTS AND CASH | 52,315.00 |
| SUMMARY OF APPROPRIATIONS - TOTAL EXPENDITURES | 52,315.00 |

FEDERAL REVENUE SHARING FUND

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and securities for appropriation | 1,399.00 |
| Federal Revenue Sharing Grants | 85,774.00 |
| TOTAL ESTIMATED RECEIPTS AND CASH | 87,173.00 |

SUMMARY OF APPROPRIATIONS

| | |
|---|---|
| Operation and Maintenance | 85,774.00 |
| TOTAL APPROPRIATIONS | 85,774.00 |

SECTION II. An estimate of the specific items making up the amounts appropriated to the respective Departments is on file in the office of the Township of Wilkins, Pennsylvania.

SECTION III. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED this 29th day of December, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 665

AN ORDINANCE OF THE TOWNSHIP OF WILKINS DESIGNATING A PORTION OF A SANITARY SEWER LAID IN MILLER STREET AND ELIZABETH STREET AS PART OF THE PUBLIC SANITARY SEWER SYSTEM.

THE TOWNSHIP OF WILKINS ORDAINS as follows:

SECTION I. The Township of Wilkins acknowledges and designates a certain six (6) inch sanitary sewer with manholes and appurtenances as part of the public sanitary sewer system of the Township of Wilkins for purposes of operation, maintenance and repair.

Said sanitary sewer being more particularly located as follows:

In Elizabeth Street beginning at a point approximately fifty (50) feet east of the intersection of Elizabeth Street and Dowling Avenue and extending in an easterly direction along Elizabeth Street a distance of approximately five hundred eighty nine (589) feet to a manhole located approximately fifty (50) feet west of Stevendale Drive.

In Miller Street beginning in the intersection of Miller and Elizabeth Street and extending in a southerly direction along Miller Street, a distance of one hundred eight (108) feet, more or less.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 29th day of December, 1980.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 666

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 643 BY CREATING ADDITIONAL THREE-WAY STOP INTERSECTIONS AND BY CREATING ADDITIONAL AREAS WHERE PARKING IS PROHIBITED.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. That Ordinance No. 643 ne amended in the following manner:

A. Article I, Section 18 - STOP INTERSECTIONS ESTABLISHED

1. By deleting Orion Drive and Laurel Drive from the list of STOP intersections.

2. By adding Orion Drive and Laurel Drive to the list of three way STOP intersections.

B. Article II, Section 20 - PARKING PROHIBITED AT CERTAIN LOCATIONS

1. By adding to the list of streets designated as:

a. No Parking Either Side of the Street

b. Highland Avenue - Turtle Creek Boundary Line to a point 151' north of Turtle Creek Boundary Line

c. Article II, Section 21 - PARKING PROHIBITED ONE SIDE ONLY

(1) By deleting Highland Avenue No Parking West Side, Parking East Side only and Clugston Avenue No Parking East Side, Parking West Side only

(2) By adding:

Highland Avenue - No Parking West Side, Parking East Side only from Mortimer Avenue to a point 3055' south of Mortimer Avenue

Clugston Avenue - No Parking West Side, Highland Avenue to a point 728' north of Turtle Creek Boundary Line and No Parking East Side from a point 790' south of Highland Avenue to Turtle Creek Boundary Line

SECTION II. Any ordinance or part of an Ordinance in conflict with this Ordinance is hereby repealed.

SECTION III. ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a regular meeting held this 12th day of January, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky

Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin

Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 667

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING THE COMPENSATION OF THE TOWNSHIP MANAGER.

THE TOWNSHIP OF WILKINS ORDAINS as follows:

SECTION I. The annual compensation of the Township Manager shall be calculated in accordance with the formula resulting from the 1979 Police Arbitration Award.

SECTION II. The Manager shall be eligible for all the benefits previously authorized.

SECTION III. The Manager shall be entitled to an automobile expense allowance of $100.00 per month for use of personal car on official duties, including building inspection and code enforcement work.

SECTION IV. Any ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of January, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 668

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ZONING ORDINANCE NO. 542 BY CHANGING THE ZONING DISTRICT OF CERTAIN PROPERTY FROM R-2 TO COMMERCIAL.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. That the Zoning Map adopted as part of Ordinance No. 542, Section 104 be amended to change property from the R-2 Zoning District to the Commercial Zoning District.

The property involved being owned by Robert S. Whitman and Marvin H. Levick and indicated on a survey prepared by Theodore Charletta, P.E. dated April 28, 1980 which is incorporated as part of this Ordinance and which is on file in the office of the Township Secretary, 110 Peffer Road, Wilkins Township where it may be examined by any interested person.

SECTION II. All Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION III. Ordained and adopted by the Board of Commissioners at a duly assembled meeting held this 26th day of January, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

074

# ORDINANCE NO. 669

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING AND ESTABLISHING THE COMPENSATION OF THE TOWNSHIP TREASURER FOR HIS DUTIES AS TREASURER AND TAX COLLECTOR

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted by the Authority of the same that the Township Treasurer on and after January 1, 1982 shall receive for his duties as:

SECTION I. TREASURER - The sum of $600.00 annually to be paid monthly at the rate of $50.00 per month.

SECTION II. TAX COLLECTOR - The sum of $6,600.00 annually to be paid in two installments. The first after the collection and deposit of at least 50% of the current Real Estate Tax and the balance on or before December 15th.

SECTION III. In addition the Township Treasurer as Collector for the Township Real Estate Taxes shall be allowed such actual printing, posting and other related expenses incurred with prior approval of the Board of Commissioners and may be furnished office space in the Municipal Building.

SECTION IV. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance and specifically Ordinance No. 531 be and the same shall be hereby repealed as of December 31, 1981.

ORDAINED AND ENACTED into law this 9th day of February, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

076

# ORDINANCE NO. 670

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE PROPER OFFICERS TO ENTER INTO AN AGREEMENT WITH THE BOROUGHS OF CHALFANT, CHURCHILL AND FOREST HILLS REGARDING JOINT RECREATION ACTIVITIES.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. That the proper officers of the Township be authorized to enter into an agreement with the Boroughs of Chalfant, Churchill, and Forest Hills in substantially the following form:

.078

# AGREEMENT FOR CHURCHILL AREA JOINT RECREATION ACTIVITIES

MADE, effective , between THE BOROUGH OF CHALFANT, THE BOROUGH OF CHURCHILL, THE BOROUGH OF FOREST HILLS, AND THE TOWNSHIP OF WILKINS, (hereinafter sometimes collectively referred to as the "Municipalities") pursuant to proper actions taken by the elected Borough Councils of Chalfant, Churchill, Forest Hills, and the elected Board of Commissioners of Wilkins (hereinafter sometimes collectively referred to as the "Governing Boards") all situated in the County of Allegheny, Commonwealth of Pennsylvania.

WITNESSETH:

WHEREAS, Act No. 180 approved July 12, 1972 (53 P.S. 481 et seq.) permits the Municipalities aforenamed to jointly cooperate in the exercise or performance of responsibilities and to enter into such joint agreements as may be deemed appropriate for such purposes;

AND, whereas, the Governing Boards have determined that through the functioning of a Joint Recreation Board they could:

(a) Provide, on an area basis, some recreational activities and programs which would not be feasible for the individual Municipalities to provide, by utilizing facilities that are available in the jointly shared School District;

AND,

(b) Provide a method of funding such programs and activities.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, and intending to be legally bound hereby, the Governing Boards agree as follows:

## ARTICLE I.
## CREATION AND NAME

1.01 Creation. A Joint Recreation Board shall be and hereby is created under and pursuant to Act 180.

1.02 Name. The name of the Joint Recreation Board shall be "The Churchill Area Recreation Board" (hereinafter called the "CAR Board").

## ARTICLE II.
## Purpose

2.01 Churchill Area Recreation Board. The Churchill Area Recreation Board, created by this Agreement, shall be the immediate successor to all the programs, funds, responsibilities and commitments of the previous Churchill Area Recreation Board, created by the Agreement of June 1, 1977 which shall cease to exist immediately following the initial organization meeting.

2.02 Scope. CAR Board shall have and is hereby given the responsibility and authority to conduct such recreational activities and programs that might not be provided feasibly by the individual Municipality, but not including recreational programs promulgated by or under the jurisdiction of the Churchill Area School District.

2.03 Self-sustaining Principle. To the fullest extent possible, activities and programs shall be monetarily self-sustaining, i.e., the expenses of the activity shall be met by those who participate. However, the Agreement recognizes that all activities cannot be self-sustaining.

2.04 Personnel and Equipment. Subject to the limitations of the budget, the CAR Board shall have the right to hire and fire personnel, purchase and contract for equipment, facilities and supplies. Whenever practical the CAR Board shall use the clerical facilities and administrative officers, facilities and equipment available from the Municipalities.

## ARTICLE III
## Representation

3.01 Number of Representative. Each Governing Board shall appoint two representatives to the CAR Board and notify the Secretary of the Board, in writing, of such appointments.

3.02 Term of Office for Representatives. Representatives shall be appointed for two-year terms with appointments made in alternate years to provide continuity on CAR Board. There shall be no limit to the number of terms a representative may serve on the CAR Board.

3.03 Qualifications of Representative. At least one of the representatives appointed hereunder must be members of the individual Recreation Boards or Committees of the Municipalities. Representatives must be residents of the Municipality they represent.

3.04 Compensation of Representative. Representatives shall receive no compensation for serving on CAR Board.

3.05 Replacement of Representative. Representatives shall serve at the discretion of the respective Governing Board making the appointment. Vacancies occurring on the CAR Board shall be filled promptly by the appropriate Governing Board.

## ARTICLE IV.
## Initial Organization Procedure

4.01 At the organizing meeting the Board shall elect officers. This organizing meeting shall be presided over by the President of the Churchill Area School Board until the officers are elected at which point his duties shall cease.

4.02 Adoption of By-Laws. The first action of the Board will be for discussion and adoption of by-laws. In voting on the adoption of the by-laws, each Municipality shall have one (1) vote and the motion to adopt the by-laws must be passed unanimously by the Municipalities represented at the meeting. If the representatives from any Municipality should fail to agree on their vote, they should be considered as having "abstained" and the provision herein requiring unanimous affirmation shall not have been satisfied. Upon adoption of the by-laws by the Churchill Area Recreation Board, it must be approved by the Municipalities within 3 months of the date of this Agreement.

## ARTICLE V.
## Annual Budget

5.01 Responsibility for Budget Preparation. It shall be the responsibility of the Churchill Area Recreation Board to prepare an annual budget for submission and approval of the governing boards by September 15th of each year.

5.02 Approval of Budget By Governing Boards. Each governing board shall notify CAR Board in writing of its approval or disapproval of the proposed budget. However, if a Municipality shall not indicate any disapproval prior to November 1, the governing Board shall be considered as having approved the budget.

5.03 Participants to Funding. Each of the Municipalities, shall share the costs and expenses of the CAR Board.

5.04 COG Formula - The Formula to be used in determining the share of costs and expenses to be borne by each municipality shall be in accordance with the following;

(a) The Municipality's percentage of total population multiplied by fifty (50) per cent of the total appropriation.

(b) The Municipality's percentage of total assessed valuation multiplied by (50) per cent of the total appropriation.

For the purpose of applying the formula above described and set forth, the following terms shall have the definitions hereinafter ascribed to them:

(a) Population shall mean the total population of the Municipality as determined by the most recent Federal census, or other census or enumeration, which shall be agreed upon by the Municipalities for a year in which any change becomes effective.

(b) Assessed Valuation shall mean the total valuation of all taxable property of the Municipality as certified to it by the Board of Property Assessment, Appeals and Review of Allegheny County, for the year prior to the year in which any change becomes effective.

5.05 Payment Schedule. The Governing Boards shall authorize payments to the Treasurer of CAR Board in accordance with a regular schedule of payments to be agreed upon between the Municipalities and the CAR Board.

5.06 Contributions By School District. The Churchill Area School District shall contribute such cash and provide such equipment and facilities as shall be mutually agreed upon from time to time among the Governing Boards.

5.07 School Facilities Rental Schedule. To Facilitate the preparation of the annual budget, the School Board shall furnish, prior to July 1 of each year, a schedule of rental charges which shall be made by the School District for the use of particular facilities. Rental payments for the facilities shall be made from CAR Board funds in accordance with the rental schedule submitted without invoicing by the School District and the Churchill Area School District.

## ARTICLE VI
## Termination of Participation in the Agreement

6.01 Procedure for Termination. Any Municipal Signatory hereto may withdraw as a party to this Agreement as of the close of any fiscal year upon three (3) months prior written notice delivered to each of the other Municipalities.

ARTICLE VII

Signators of the Agreement

By affixing their signatures hereto, the appropriate Officers of the Governing Boards hereby attest that the authority and the signatory powers to enter into this Agreement have been conferred upon them by actions properly taken and legally adopted by their respective Governing Boards:

ATTEST:

Secretary
Chalfant Borough

DATE

THE BOROUGH OF CHALFANT

President
Chalfant Borough Council

ATTEST:

Secretary
Churchill Borough

DATE

THE BOROUGH OF CHURCHILL

President
Churchill Borough Council

ATTEST:

Secretary
Forest Hills Borough

DATE

THE BOROUGH OF FOREST HILLS

President
FOREST HILLS BOROUGH COUNCIL

ATTEST:

Secretary
Wilkins Township

Feb 9, 1981
DATE

THE TOWNSHIP OF WILKINS

President, Wilkins Township
Board of Commissioners

# AGREEMENT

MADE as of the 15th day of November, 1981

by and between

THE CITY OF DUQUESNE, a municipal corporation and political subdivision of the Commonwealth of Pennsylvania,

and

THE BOROUGH OF SHARPSBURG, a municipal corporation and political subdivision of the Commonwealth of Pennsylvania,

and

THE TOWNSHIP OF WILKINS, a municipal corporation and political subdivision of the Commonwealth of Pennsyvania,

(all of the above hereinafter called "The Municipalities").

WITNESSETH

WHEREAS, Section 3 of Act No. 180 of the General Assembly of the Commonwealth of Pennsylvania approved January 12, 1972 as "An Act relating to intergovernmental cooperation" (the "Intergovernmental Cooperation Act") provides that:

> "Two or more municipalities in this Commonwealth may jointly cooperate, or any municipality or municipalities may jointly cooperate with any municipality or municipalities located in any other state, in the exercise or in the performance of their respective governmental functions, powers or responsibilities. For the purpose of carrying the provisions of this act into effect the municipalities cooperating shall enter into such joint agreements as may be deemed appropriate for such purposes."

WHEREAS, The Municipalities, all municipalities as defined in Section 1 of the Intergovernmental Cooperation Act, desire to establish a non-profit corporation for the purposes set forth in this Agreement; and

WHEREAS, this Agreement and the formation of the non-profit corporation is intended to be a joint agreement entered into for the purpose of carrying out the provisions of the Intergovernmental Cooperation Act; and

WHEREAS, The Municipalities anticipate that other Pennsylvania municipalities (as defined in said Act No. 180 of 1972) may wish to become parties by adopting this Agreement and become members of the non-profit corporation.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the Municipalities agree as follows:

Section I.

The purpose of this Agreement shall be to provide an organization and method whereby municipalities (as defined in said Act 180 of 1972) may jointly cooperate in the exercise or in the performance of their permitted governmental functions, powers or responsibilities related to providing protection from liability for workman's compensation, unemployment compensation, public liability and automobile liability and for providing for losses caused by fire or other casualty and for providing for protection for employees and officers for health and accidents, including the making of contracts with insurance companies, associations or exchanges for such purposes.

Section II.

It is deemed appropriate for the purposes of this Agreement that the Municipalites agree to jointly incorporate or cause to be incorporated a non-profit corporation under

the Corporation Not-for-Profit Code enacted by the General Assembly of the Commonwealth of Pennsylvania; November 15, 1972 (Act 271).

Section III.

The non-profit corporation shall limit membership to municipalities (as defined in said Act 180 of 1972) and Pennsylvania municipal authorities, and shall be organized and operated to provide a municipal risk management program for its members, including but not limited to loss prevention and control, safety programs and claims administration either directly or by purchase through contracts with insurance companies, associations, exchanges or other qualified agencies.

Section IV.

This Agreement shall not require The Municipalities to become members of the said non-profit corporation and membership in said corporation shall be on the terms, conditions and durations set forth in the by-laws and rules and regulations of the said corporation, as accepted by the members.

Section V.

This Agreement shall expire upon dissolution of the non-profit corporation to be formed.

The City of Duquesne has executed this Agreement pursuant to the authority of Ordinance No. _____ adopted on the _____ day of _____, 1981.

The Borough of Sharpsburg has executed this Agreement pursuant to the authority of Ordinance No. _____ adopted on the _____ day of _____, 1981.

The Township of Wilkins has executed this Agreement pursuant to the authority of Ordinance No. 679 adopted on the 9th day of November, 1981, 1981.

ATTEST: CITY OF DUQUESNE

_____ BY _____

City Clerk Mayor

ATTEST: BOROUGH OF SHARPSBURG

_____ BY _____

Secretary President of Council

ATTEST: TOWNSHIP OF WILKINS

Norma M. Baldwin

Secretary BY Joseph J. Dandeneaky

President of the Board of Commissioners

SECTION II. All ordinances or parts of ordinances in conflict with this ordinance are repealed insofar as they are in conflict herewith.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 9th day of February, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

080

# ORDINANCE NO. 671

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING INTERGOVERNMENTAL COOPERATION BY ESTABLISHING MEMBERSHIP IN TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS AND ESTABLISHING THE CONDITIONS OF SAID MEMBERSHIP PURSUANT TO THE REQUIREMENTS OF ACT 180 OF 1972, 53 P.S. 481-490, AS AMENDED, OF THE COMMONWEALTH OF PENNSYLVANIA.

WHEREAS, Act 180 of 1972, P.S. 481-490 repealed absolutely the Act of May 21, 1943 (P.L. 340), 53 P.S. 471 ET SEQ., and became the law governing intergovernmental cooperation within the Commonwealth of Pennsylvania; and

WHEREAS, Membership in the Turtle Creek Valley Council of Governments is the agency the Township of Wilkins has adopted to cooperate with other governmental or quasi-governmental units in the execution of those municipal functions deemed by the Township of Wilkins to be accomplished best through cooperation with other governmental or quase-governmental units; and

WHEREAS, Act 180 of 1972, 53 P.S. 481-490 intends that full recognition by the Commonwealth of Pennsylvania of an agent of inter-governmental cooperation requires said agent to be established by Ordinance by all cooperating units of government; and

WHEREAS, the Township of Wilkins desires the Turtle Creek Valley Council of Governments to be as useful as possible to the Township of Wilkins and to the residents thereof;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins in a regular meeting duly assembled, and it is hereby ordained and enacted by authority of the same.

## SECTION I. MEMBERSHIP

That the Township of Wilkins join and be a member of the Turtle Creek Valley Council of Governments.

## SECTION II. CONDITIONS OF AGREEMENT

That no action taken by the Turtle Creek Valley Council of Governments which creates a legal obligation, whether it be contractual, financial, or otherwise upon a member municipality shall be binding upon a member municipality affected unless and until its municipal legislative body ordains, resolves, or otherwise enacts the actions recommended by the Turtle Creek Valley Council of Governments, according to the procedure set forth in the appropriate municipal code and laws of the Commonwealth of Pennsylvania.

## SECTION III. DURATION OF TERM

That this agreement stand in perpetuity unless cancelled by ninety (90) days notice served by the Township of Wilkins to the Turtle Creek Valley Council of Governments.

## SECTION IV. PURPOSE AND OBJECTIVES

That the Turtle Creek Valley Council of Governments shall assist the member municipalities individually or collectively to execute their governmental responsibilities in as efficient and responsible a manner as possible; further, that the Turtle Creek Valley Council of Governments shall undertake such other projects related to municipal government as the Board of Directors of the Corporation may direct, subject to the provisions of Section II.

## SECTION V. MANNER AND EXTENT OF FINANCING

That the Turtle Creek Valley Council of Governments be financed by annual dues paid by member municipalities and by funds obtained by the Corporation from public or private sources.

SECTION VI. ORGANIZATIONAL STRUCTURE

That the Turtle Creek Valley Council of Governments be the Agent for the Township of Wilkins in matters pertaining to this Agreement; that the Chief Legislative Officer of each municipality shall be a Director of the Turtle Creek Valley Council of Governments, with the right to appoint an alternative(s) from among the legislative body of that municipality to represent him fully in his absence; and that the Board of Directors of the Turtle Creek Valley Council of Governments be authorized to act as they deem necessary, in accordance with its By-laws, subject to Section II and to Section V.

SECTION VII. ACQUISITION/MANAGEMENT/DISPOSAL OF PROPERTY

That real or personal property necessary to implement this Agreement be acquired, managed, and disposed by the Turtle Creek Valley Council of Governments, in accordance with the By-laws of the Corporation and any laws or contracts which apply.

SECTION VIII. BY-LAWS

That the By-laws of the Turtle Creek Valley Council of Governments attached hereto and made a part hereof are hereby approved.

ORDAINED AND ENACTED this 9th day of February, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

BY-LAWS

THE TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS, INC.

## ARTICLE I

## OFFICES

1.1 The registered office shall be located at the North Braddock Borough Building, 600 Anderson Street, North Braddock, PA 15104.

1.2 The Corporation may also have offices at such other places as the Board of Directors may from time to time determine.

## ARTICLE II

## PURPOSES

2.1 The purpose of Turtle Creek Valley Council of Governments is to assist the member municipalities individually or collectively to execute their governmental responsibilities in as efficient and responsible a manner as possible. More specifically, upon formal request the Corporation shall provide assistance in three major categories:

A. The generation and collection of municipal revenue.
B. The planning and execution of municipal operations as outlined in the "Commonwealth of Pennsylvania Annual Budget Report and Guide" (Department of Community Affairs, Harrisburg).
C. The planning and execution of municipal capitol improvements as outlined in "Commonwealth of Pennsylvania Annual Budget Report and Guide" (Department of Community Affairs, Harrisburg).

2.2 Further, the Corporation shall undertake such other projects related to municipal government as the Board of Directors may direct.

2.3 To accomplish its purpose, the Corporation shall maintain a staff of urban professionals and support personnel.

## ARTICLE III

## MEMBERSHIP

3.1 As a condition of membership, municipalities shall enact the Ordinance contained in Article XVI.

3.2 All elected officials of the municipalities named in the Article XV shall be non-voting members of the Corporation.

3.3 There shall be one voting member from each municipality named in Article XV. The voting member from each participating municipality shall be the chief legislative officer, who may appoint an alternate(s) from among the legislative body to represent him fully in his absence. Said voting member or his proxy shall be entitled to exercise his (her) vote as soon as the formal letter designating him (her) as the voting member is filed with the Secretary of the Turtle Creek Valley Council of Governments.

3.4 Any voting member may be replaced or removed at any time by the municipal legisative body which orginally named that voting member. Such removal or replacement of a voting member shall take effect upon the filing with the Corporate Secretary of a written resolution by the municipal legislative body involved removing or replacing the voting member.

3.5 Any municipality wishing to terminate its representation in the Turtle Creek Valley Council of Governments may do so at any time by notifying the Turtle Creek Valley Council of Governments of such intention ninety days in advance of the effective date and removing by filing a copy of the repealing ordinance of its legislative body with the Secretary of the Turtle Creek Valley Council of Governments. Said termination per se shall not affect any Agreements between the municipality and the Corporation which may be in effect at the time of termination.

## ARTICLE IV

## BOARD OF DIRECTORS

4.1 The Board of Directors shall be made up of the voting members from each participating municipality named in Article XV.

4.2 Each voting member shall be entitled to cast one vote.

## ARTICLE V

### QUORUM

5.1 A quorum for holding any meeting of the members of Board of Directors shall be the simple majority of the members of the Board of Directors.

## ARTICLE VI

### MAJORITY VOTE

6.1 A simple majority of the members of the Board of Directors present shall be required to pass any motion at any meeting of the members of the Board of Directors.

## ARTICLE VII

### MEETINGS

7.1 The Board of Directors shall meet on the third Thursday of every month.

7.2 Special meetings of the Board of Directors shall be called by the Chairman whenever he shall deem it necessary or upon written request signed by three members of the Board of Directors.

7.3 Each director shall receive one week's notice of any special meeting.

7.4 Unless otherwise provided by law, whenever any notice is required to be given, by the provisions of the by-laws, a written waiver thereof, signed by the persons entitled to such notices before or after the time stated therein, shall be equivalent thereto.

## ARTICLE VIII

### GENERAL MEMBERSHIP MEETINGS

8.1 Meetings of all members both voting and non-voting shall take place at least twice a year at times to be determined by the Chairman.

## ARTICLE IX

### DUTIES AND POWERS OF THE BOARD OF DIRECTORS

9.1 The property and business of this Corporation shall be managed by the Board of Directors.

9.2 In addition to the general powers of the Board of Directors by virtue of their office, the powers and authority expressly given by law, by the terms of the charter of this body, and elsewhere in these by-laws, the following specific powers are expressly conferred on the Board of Directors:

To purchase or otherwise acquire for the Corporation any property, right or privilege which it is authorized to acquire at such price or consideration, and upon such terms as they deem expedient; to enter into contracts on behalf of the Corporation; to lease its property or equipment to member or non-member municipalities for the benefit of the Corporation on such terms and conditions as the Board of Directors may determine; to provide services to member or non-member municipalities on such terms and conditions as the Board of Directors may determine; to appoint, to remove or suspend subordinate agents or servants, to determine their duties and affix their salaries; to confer by resolution upon any officer or agent of this Corporation the power of permanently removing or suspending any subordinate officer or servants; to determine who shall be authorized, on behalf of this Corporation, to sign bills, notices, receipts, acceptances, endorsements, checks, releases, contracts, and any other instruments; to delegate any of the powers of the Board of Directors to any standing committee, special committee, or any officer or agent of the Corporation, with such power as the Board of Directors may seem fit to grant; generally to do all such lawful acts and things as are not by law, or by charter, or by these by-laws directed or required to be done by the members.

9.3 Any action which may be taken at a meeting of the Board of Directors, may be taken without a meeting, if consent in writing setting forth the action so taken shall be signed by all the directors and filed with the Secretary of the Corporation.

9.4 The Board of Directors may delegate the authority to seek and accept funds from public and private sources to carry out the purposes set forth in the Articles.

9.5 The Board of Directors may retain an executive director to supervise the day to day operations of the Corporation, to carry out

the directions of the Board of Directors, and to perform any other function or duties authorized from time to time by the Board of Directors.

## ARTICLE X

## POWERS DENIED TO THE BOARD OF DIRECTORS

10.1 No action by the Board of Directors of the said Corporation which creates a legal obligation, whether it be contractual, financial, or otherwise upon a member municipality shall be binding upon the member municipality affected unless and until its local council-manic body ordains, resolves, or otherwise enacts the action recommended by the Board of Directors according to the procedure set forth in the Pennsylvania Borough of Township Code and Laws of the Commonwealth of Pennsylvania.

## ARTICLE XI

## OFFICERS

11.1 The officers of the Board of Directors shall be a chairman, a vice-chairman, and a secretary.

11.2 All officers must be members of the Board of Directors.

## ARTICLE XII

## ELECTIONS AND TERMS OF OFFICE

12.1 Elections shall be held annually, at a time determined by the Chairman.

12.2 Each Board member or his proxy shall be entitled to cast one vote for each officer position.

12.3 The term of office for all officers shall be one year.

12.4 In the event that the office of an officer shall become vacant, the Board of Directors shall fill such vacancy for the unexpired term at their next regular monthly meeting.

12.5 A simple majority vote of the Board of Directors present shall be required to elect the officers of the Corporation.

## ARTICLE XIII

### DUTIES AND POWERS OF OFFICERS

13.1 The Chairman shall have general supervision of the business and affairs of the Corporation, subject to the control of the Board of Directors. The Chairman shall act as Chairman at each meeting of the Board of Directors.

13.2 The Vice-Chairman shall, in the absence of the Chairman, perform the duties of the Chairman and shall perform such other duties and responsibilities as the Board of Directors may from time to time deem appropriate.

13.3 The Secretary shall keep minutes of all meetings of the Board of Directors and shall give all notices of meetings of the Board of Directors. The Secretary shall have custody of all records, contracts, and agreements of the Corporation and shall attend to such correspondence of the Corporation as the Board of Directors shall diret.

13.4 The duties of the Secretary may be delegated to appropriate staff personnel.

## ARTICLE XIV

### AMENDMENTS

14.1 The provisions of these articles shall be amended in the followin manner:

(a) 30 Days written notice of the proposed changes must be submitted to the voting members by the Secretary.

(b) A single majority vote of the Board of Directors shall be required to effect an amendment to these articles.

(c) No amendment shall take effect until ratification by resolution of the member communities as stipulated in Article X of these articles.

## ARTICLE XV

### MUNICIPALITIES HAVING MEMBERSHIP IN TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS, INC.

15.1 The municipalities having membership in Turtle Creek Valley Council of Governments shall be:

Braddock Borough
North Braddock Borough
East McKeesport Borough
East Pittsburgh Borough
Monroeville Municipality
Pitcairn Borough
Rankin Borough
Turtle Creek Borough
Wall Borough
Wilmerding Borough

# ORDINANCE NO. 672

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RE-SURFACING OF ELIZABETH STREET, LUCIA DRIVE, WALLACE AVENUE, RIDGE STREET, CALMONT DRIVE, THORNCREST DRIVE, DOROTHY STREET, PETER STREET, JOHN STREET, GEORGE STREET, QUARRY STREET, MCMASTERS AVENUE, GRANDVIEW AVENUE, GILMORE DRIVE, RIDGE STREET, HARRISON ROAD, PENN CENTER BOULEVARD.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. The re-surfacing of the following public roads is hereby authorized and directed:

A. SLURRY SEAL

Elizabeth Street, from Stevendale to Greensburg Pike
Lucia Drive, from Elizabeth to Roland Road
Wallace Avenue, from Cline Street to Ridge Street
Ridge Street, from Cline to end
Calmont Drive, from Thorncrest to end
Thorncrest Drive, from Hawthorne to end
Dorothy Street, from Greensburg Pike to end
Peter Street, from Dorothy Street to end
John Street, from Dorothy Street to house number 111 John Street
George Street, from Harrison Road to end
Quarry Street, from Crestview to Grandview
McMasters Avenue, from Larimer to Turtle Creek Line
Grandview Avenue, from Quarry Street to end
Gilmore Drive, from Frazier to Kingston

B. TAR AND CHIP

Ridge Street, from Wallace to Cline

C. ASPHALT

Harrison Road, from Churchill to Larimer
Penn Center Boulevard, from Building #7 to Rodi Road

D. Re-surfacing of such other streets as may be accommodated within the budget allotment for this purpose and provided the work is recommended by the Township Engineer and approved by the Board of Commissioners.

SECTION II. The materials and work shall be supplied and done according to the plans and specifications therefore as prepared by the Township Engineer, which plans and specifications are adopted as part of this Ordinance and are on file in the office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described re-surfacing shall be done in accordance with the plans and specifications and proposal therefore by contract with the lowest responsible bidder or bidders, and the proper officers of the Township of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be paid by the Township of Wilkins and the same is hereby appropriated therefore out of funds now or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 11th day of May, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 673

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REQUIRING THE REMOVAL OR REPAIR OF DANGEROUS STRUCTURES TITLED IN THE NAMES OF RAYMOND MILLER, LEROY AND NELLIE MOON, AND AUDREY JESSUP PROVIDING FOR THE DEMOLITION THEREOF BY THE TOWNSHIP OF WILKINS AND FOR THE FILING OF A MUNICIPAL CLAIM.

WHEREAS, investigations by officials of the Township of Wilkins, Officials of the Township's Volunteer Fire Companies, and Officials of the Allegheny County Health Department have revealed that structures located on the property hereinafter described are dilapidated, vacant, dangerous to health and safety and deemed a nuisance within the meaning of the Act of Assembly of the Commonwealth of Pennsylvania, June 24, 1931, P.L. 1206, Art, IV, Section 1502, CL XXVI, as supplemented and amended.

AND WHEREAS, it has been determined by the Board of Commissioners of the Township of Wilkins that such structures should be repaired or removed by demolition. It is hereby ordained and enacted by the Township of Wilkins as follows:

SECTION I. The following structures situate in the Township of Wilkins, Allegheny County, PA are hereby declared to be dangerous structures and nuisances.

1. Two story frame house with aluminum siding erected on property at 604 McMasters Avenue being designated as Block and Lot 455-B-306. Owner of record Raymond W. Miller.

2. One story frame house with aluminum and insulbrick siding and garage erected on property at 268 Mortimer Avenue being designated as Block and Lot 455-A-99. Owner of record Leroy and Nellie I. Moon.

3. One story frame house with aluminum siding and garage erected on property at 271 Mortimer Avenue being designated as Block and Lot 455-A-95. Owner of record Audrey Jessup.

SECTION II. The owners of the structures above described must commence the repair or removal within thirty one (31) days notice thereof.

SECTION III. The notice to repair or remove shall be given to said owner in writing by registered or certified mail to their last known address and where no address is known the notice shall be posted upon the property declared to have a nuisance erected thereon.

SECTION IV. Every notice issued pursuant to Sections II and III of the Ordinance shall contain a clause as follows: "Any owner, agent or occupant interested who may feel himself aggrieved by the directive of the Ordinance requiring removal or repair of the structure involved may challenge the legality of the Ordinance by filing a complaint within thirty (30) days of the date of delivery of this notice (or the posting of same) in the Court of Common Pleas of Allegheny County, Pennsylvania". The notice shall contain the effective date of the Ordinance.

SECTION V. In the event the notice required hereby is not delivered prior to the effective date of this Ordinance, the Township shall waive any requirement for the filing of a complaint within thirty (30) days of the effective date of the Ordinance and shall not contest the time of filing of any complaint to test the validity of this Ordinance if said complaint is filed within thirty (30) days of delivery of the notice herein required or within thirty (30) days of posting of same.

SECTION

SECTION VI. In the event the owner of any dangerous structure fails to commence or complete repairs or removal, after notice, within the time limits prescribed by such notice the proper Township Officials are hereby authorized to advertise for bids for demolition of such structures and the restoration of land to its natural state and to enter into a contract with the lowest responsible bidder, or if feasible, the work may be done in whole or in part by Township employes.

SECTION VII. The proper Township Officials and Solicitor are hereby authorized and directed to file a municipal claim and lien against the lot or lots appurtenant to any structure razed by the Township of Wilkins, in connection therewith together with a penalty of ten (10) percent as provided by law or the said costs and expenses may be collected by an action in assumpsit against the owners of said dangerous structure.

SECTION VIII. Any ordinance or part thereof conflicting with the provisions of this ordinance be and the same is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 8th day of June, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 674

AN ORDINANCE GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, EQUIPMENT, REPAIR, DEMOLITION, REMOVAL, CONVERSION, USE OR MAINTENANCE OF ALL BUILDINGS AND STRUCTURES; KNOWN AS THE BUILDING CODE; PROVIDING FOR ISSUANCE OF PERMITS, COLLECTIONS OF FEES MAKING OF INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; DECLARING AND ESTABLISHING FIRE LIMITS IN THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of Wilkins Township, Allegheny County, Pennsylvania, hereinafter called the Municipality as follows:

## SECTION I. ADOPTION OF BUILDING CODE

1.1 BOCA BASIC BUILDING CODE - That a certain document which is on file in the office of the Secretary of the Township of Wilkins, being marked and designated as 'THE BOCA BUILDING CODE, EIGHTH EDITION, 1981' as published by the Building Officials Conference of America, Inc. be and is hereby adopted as the Building Code of the Township of Wilkins, in the County of Allegheny in the State of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the 1981 BOCA BASIC BUILDING CODE, Eighth Edition, 1981 are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any prescribed in Section II of this Ordinance.

1.2 APPLICATION - The provision as set forth in this Ordinance and in the BOCA BASIC BUILDING CODE adopted herein shall take effect immediately upon enactment of this Ordinance and shall apply to the Municipality.

## SECTION II. AMENDMENTS

2.1 The following sections of said Code are hereby revised and amended as follows:

2.2 Section 100.1 insert as name of jurisdiction, 'THE TOWNSHIP OF WILKINS'.

2.3 Section 11.4.3.1 The fee schedule shall be as set forth in Resolution no. 18-79 of the Township of Wilkins and as said Resolution is hereinafter amended from time to time.

2.4 Section 117.4 Insert for offense 'summary conviction. Insert for amount 'Three Hundred (300.00) Dollars'. Insert for number of days 'Thirty (30) Days'.

2.5 Section 118.2 Insert for lesser amount 'Twenty Five (25.00) Dollars. Insert for greater amount 'Three Hundred (300.00) Dollars'.

2.6 Section 123.3 Section 123 is deleted in its entirety. Property owners may contest an unsafe order as set forth in Section 123.1 may appeal such order to the Board of Appeals in the manner set forth in Section 124.0.

2.7 Section 501.2 Insert as fire limit areas 'The Commercial, Manufacturing, and Industrial Districts as shown on Official Zoning Map attached to Wilkins Township Zoning Ordinance 542 as amended revised of supplemented and All Planned Residential Developments approved pursuant to Ordinance 543, as amended, revised or supplemented; and all multiple family dwelling lots created in any residential district, pursuant to the provisions of Ordinance 542, as amended, revised or supplemented.

2.8 Section 1807.2.1 Insert for footage depth 'Ten (10) Feet'.

2.9 Section 1807.2.2 Insert for footage depth 'Three (3) Feet'.

2.10 Section 1906.1 Insert as bond sum 'One Hundred Thousand (100,000.00) Dollars'. Insert as amount of public liability insurance 'One Million (1,000,000.00) Dollars'. Insert as property damage amount 'One Hundred Thousand (100,000.00) Dollars'.

2.11 Section 109.5 and 109.6 These sections are deleted in their entirety.

Section II. Amendments (Continued)

2.12 Sections 124.2 and 124.2.2 These sections are deleted in their entirety and there is substituted therefore the following:

BOARD OF APPEALS - Constitution of Board - The Board of Appeals shall consist of five (5) members appointed by the appointing authority of the Municipality, One (1) member to be appointed for five (5) years, one (1) for four years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) to serve one (1) year; and thereafter, each new member to serve for five (5) years or until a successor has been appointed. Qualification of Board Members - It shall be the policy of the appointing authorities when the following persons are available to serve, to appoint at least one (1) architect, one (1) engineer, and one (1) builder or building superintendent of building construction. Absence of Members - During absence of a member by reason of disability or disqualification, the appointing officer shall designate a qualified substitute.

2.13 Section 613.1 shall be amended by deleting the following sentence: "The sills of all door openings between the garage and dwelling shall be raised not less than four (4) inches (102MM) above the garage floor".

2.14 Article 22 is deleted in its entirety.

2.15 The following Section is added:

PERMITS AND FEES - Prior to receiving a building permit, the owner or his agent shall pay the fee as established from time to time by Resolution of the Board of Commissioners of the Township of Wilkins. When any applications for a permit for new construction, alteration, repair or improvements also requires approval by the Pennsylvania Department of Labor and Industry under the Fire and Panic Act, written evidence of such approval shall be provided to the Building Official prior to the approval of a building permit. When requested by the permittees to conduct an inspection the Building Official shall do so within twenty-four (24) hour period.

SECTION III. SAVING CLAUSE -

That nothing in this Ordinance of in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquitted or existing under any act or ordinance hereby repealed, or cited in Section 3 of this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION IV. VALIDITY - The invalidity of any section or provision of this Ordinance or of the BOCA BASIC BUILDING CODE herein adopted shall not invalidate other sections or provisions thereof.

SECTION V. DATE OF EFFECT - Ordained and adopted by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of September, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 675

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 643 BY CREATING ADDITIONAL NO-PARKING ZONES.

THE TOWNSHIP OF WILKINS ORDAINS as follows:

SECTION I. That Ordinance No. 643 be amended in the following manner:

ARTICLE 2 - PARKING

Section 20 - Parking prohibited at certain locations

No parking either side of street

ADD:

McMasters Avenue, east side Semmens Street to a point thirty five (35) feet north

McMasters Avenue, west side Semmens Street to a point forty-six (46) feet north.

SECTION II. Any Ordinance or part of an Ordinance in conflict with this Ordinance is hereby repealed.

SECTION III. ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of September, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

090

# ORDINANCE NO. 676

AN ORDINANCE OF THE TOWNSHIP OF WILKINS GRANTING A CONDITIONAL USE OF PROPERTY OWNED BY FAITH BIBLE BAPTIST CHURCH LOCATED ON CURRY AVENUE IN THE TOWNSHIP OF WILKINS.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Ordinance No. 542 is hereby amended to include a conditional use of property owned by the Faith Bible Baptist Church as more particularly bounded and described in the deed from Alexander A. Bluestone, et al to Faith Baptist Church as recorded in the Office of the Recorder of Deeds for Allegheny County in Deed Book Volume 6295, Page 224.

SECTION II. The conditional use granted is for:

A. Use of a structure to be erected on said property as a garage for the repair and maintenance of buses owned by said Church.

B. Parking of buses owned by the said Church on the subject property.

SECTION III. The uses aforesaid are subject to the following conditions:

A. The garage shall be located on the property precisely at the site as shown on the site plan prepared by Tasso Kateselas and dated March 17, 1981 and amended August, 1981, which plan is incorporated herein as part of this Ordinance and which is on file at the Office of the Township Secretary in the Municipal Building, 110 Peffer Road, where it may be examined by any interested person.

B. The garage and parking area uses shall conform to the district and general regulations of Ordinance No. 542 as amended.

C. The garage and parking uses shall comply with the Performance Standards as set forth in Section 405 of Ordinance No. 542, as amended.

D. Repair and maintenance work shall be restricted to the time between 9:00 A.M. and 8:00 P.M. prevailing time.

E. No lights visible on abutting residential lots shall be used to illuminate the garage or its grounds, or the parking area.

F. No work shall be done on any vehicles except those owned by the Faith Baptist Church.

SECTION IV. A reference to this Ordinance shall be appended to the Zoning Map.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of September, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

.40 092

# ORDINANCE NO. 677

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RECONSTRUCTION OF A RETAINING WALL ON CLUGSTON AVENUE.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. The reconstruction of a retaining wall on Clugston Avenue is hereby authorized and directed.

SECTION II. The materials and work shall be supplied and done according to the plans and specifications therefore as prepared by the Township Engineer, which plans and specifications are adopted as part of this Ordinance and are on file in the office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described retaining wall shall be done in accordance with the plans and specifications and proposal therefore by contract with the lowest responsible bidder or bidders, and the proper officers of the Towmship of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be paid by the Township of Wilkins and the same is hereby appropriated therefore out of funds now or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 28th day of September, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

094

# ORDINANCE NO. 678

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE TOWNSHIP TO JOIN WITH OTHER LOCAL GOVERNMENT UNITS AS A SETTLOR OF THE PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT TRUST FOR THE PURPOSE OF PURCHASING SHARES OF THE TRUST.

WHEREAS, the Pennsylvania Local Government Investment Trust was formed in accordance with the authorization contained in the Intergovernmental Cooperation Act (1972 P.L. 762 No. 180), initially by the Boroughs of Chambersaburg and Emmaus; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be deemed in force as to any municipality, when the same has been adopted by ordinance by all cooperating municipalities;

NOW, THEREFORE, IT SHALL BE ORDAINED as follows:

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

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

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

SECTION IV. As required by the Intergovernmental Cooperation Act the following matters are specifically found and determined:

A. The conditions of the agreement are set forth in the Declaration of Trust referred to in Section I.

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

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

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

E. The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and the By-laws provided for therein; and

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

SECTION V. This Ordinance shall become effective at the earliest date permitted by law.

ADOPTED this 12th day of October, 1981, at a regular meeting of the Board of Commissioners, a quorum being present.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky,
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

096

# ORDINANCE NO. 679

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CITY OF DUQUESNE AND THE BOROUGH OF SHARPSBURG FOR THE PURPOSE OF PROVIDING A RISK MANAGEMENT PROGRAM RELATED TO WORKMEN'S COMPENSATION AND OTHER MUNICIPAL RISK LIABILITIES AND FOR THE INCORPORATION OF A NON-PROFIT CORPORATION FOR SUCH PURPOSE.

SECTION I. The proper Township officials are authorized and directed to execute and deliver an agreement with the City of Duquesne and the Borough of Sharpsburg for the purpose of providing a risk management program related to Workmen's Compensation, Unemployment Compensation, Public and Automobile liability, Fire and Casualty Losses and Health and Accident Programs. A true and correct copy of the said agreement is attached and made a part hereof.

SECTION II. The purposes and objectives of the agreement are as set forth in Section I thereof.

SECTION III. The term of the agreement is as set forth in Section V thereof.

ORDAINED AND ADOPTED at a duly assembled meeting of the Township of Wilkins held this ninth day of November, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 680

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REQUIRING THE REMOVAL OR REPAIR OF DANGEROUS STRUCTURES TITLED IN THE NAMES OF ROBERT GROVE (DECEASED), DAVID & PENNY ABRAMS - IRA R. & SUSAN M. MAZER, MICHAEL J. & CARMELLA LAULETTA AND HARVEY AND LENA W. TAYLOR PROVIDING FOR THE DEMOLITION THEREOF BY THE TOWNSHIP OF WILKINS AND FOR THE FILING OF A MUNICIPAL CLAIM.

WHEREAS, investigations by Officials of the Township of Wilkins, Officials of the Township's Volunteer Fire Companies, and officials of the Allegheny County Health Department have revealed that structures located on the property hereinafter described are dilapidated, vacant, dangerous to health and safety and deemed a nuisance within the meaning of the Act of Assembly of the Commonwealth of Pennsylvania, June 24, 1931, P.L. 1206, Art, IV, Section 1502, CL XXVI, as supplemented and amended.

AND WHEREAS, it has been determined by the Board of Commissioners of the Township of Wilkins that such structures should be repaired or removed by demolition. It is hereby ordained and enacted by the Township of Wilkins as follows:

SECTION I. The following structures situate in the Township of Wilkins, Allegheny County, PA are hereby declared to be dangerous structures and nuisances:

1. One story frame house erected on property at 137 Wallace Avenue being designated as Block and Lot 373-R-328. Owner of record, Robert Grove (Deceased).

2. One and one half story frame house, being one of two houses erected on property on west side of Beech Street being designated as Block and Lot 454-J-10 (south house). Owner of record, David and Penny Abrams and Ira R. and Susan M. Mazer.

3. One story concrete block garage erected on property at 106 Dorothy Street being designated as Block and Lot 374-H-197. Owner of record Michael J. and Carmella D. Lauletta.

4. One story wood garage erected on west side of Washington Street designated as Block and Lot 454-N-127. Owner of record Harvey and Lena W. Taylor.

SECTION II. The owners of the structures above described must commence the repair or removal within thirty one (31) days notice thereof.

SECTION III. The notice to repair or remove shall be given to said owner in writing by registered or certified mail to their last known address and where no address is known the notice shall be posted upon the property declared to have a nuisance erected thereon.

SECTION IV. Every notice issued pursuant to Sections II and III of the Ordinance shall contain a clause as follows: "Any owner, agent, or occupant interested who may feel himself aggrieved by the directive of the Ordinance requiring removal or repair of the structure involved may challenge the legality of the Ordinance by filing a complaint within thirty (30) days of the date of delivery of this notice (or the posting of same) in the Court of Common Pleas of Allegheny County, Pennsylvania". The notice shall contain the effective date of the Ordinance.

SECTION V. In the event the notice required hereby is not delivered prior to the effective date of this Ordinance, the Township shall waive any requirement for the filing of a complaint within thirty (30) days of the effective date of the Ordinance and shall not contest the time of filing of any complaint to test the validity of this Ordinance if said complaint is filed within thirty (30) days of delivery of the notice herein required or within thirty (30) days of posting of same.

SECTION VI. In the event the owner of any dangerous structure fails to commence or complete repairs or removal, after notice, within the time limits prescribed by such notice the proper Township Officials are hereby authorized to advertise for bids for demolition of such structures and the restoration of land to its natural state and to enter into a contract with the lowest responsible bidder, or if feasible, the work may be done in whole or in part by Township employes.

SECTION VII. The proper Township Officials and Solicitor are hereby authorized and directed to file a municipal claim and lien against the lot or lots appurtenant to any structure razed by the Township of Wilkins, in connection therewith together with a penalty of ten (10) percent as provided by law or the said costs and expenses may be collected by an action in assumpsit against the owners of said dangerous structure.

SECTION VIII. Any ordinance or part thereof conflicting with the provisions of this ordinance be and the same is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of December, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

ORDINANCE NO. 681

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1982.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED by the Commissioners of Wilkins Township, County of Allegheny, Pennsylvania;

That a tax be and the same is hereby levied on all real estate property within the said municipality subject to taxation for the fiscal year 1982 as follows:

Tax Rate for general purposes, the sum of thirteen (13) mills on each dollar of assessed valuation, or the sum of one hundred thirty (130) cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

| | Mills on each Dollar of Assessed Valuation | Cents on each One Hundred Dollars of Assessed Valuation |
|---|---|---|
| Tax Rate for General Purposes | 13 Mills | 130 Cents |
| Total | 13 Mills | 130 Cents |

BE IT FURTHER ORDAINED AND ENACTED that any Ordinance or part of Ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this 28th day of December, 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 682

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE YEAR 1982.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of Wilkins Township, Allegheny County, Pennsylvania.

SECTION I. That for the expenses for the fiscal year 1982 the following amounts are hereby appropriated from the revenues available for the current year for the specific purposes set forth below, which amounts are more fully itemized in the Budget Form:

GENERAL OPERATING FUNDS

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and Securities for appropriation | 51,590. |
| Receipts from taxes - Schedule D | 1,192,650. |
| Other Revenue Receipts | 143,945. |
| Non-revenue Receipts | 150,000. |
| TOTAL ESTIMATED RECEIPTS AND CASH | 1,540,185. |

SUMMARY OF APPROPRIATIONS

GENERAL GOVERNMENT

| | |
|---|---|
| Administration | 148,615. |
| Tax Collection | 33,725. |
| Municipal Building | 39,780. |
| TOTAL | 222,120. |

PROTECTION TO PERSONS AND PROPERTY

| | |
|---|---|
| Police | 454,265. |
| Fire | 66,240. |
| Building, Regulation, Planning, Zoning | 7,370. |
| TOTAL | 527,875. |

HEALTH AND SANITATION

| | |
|---|---|
| Sanitary Sewers, Collections and Disposal | 6,600. |
| Ash and Rubbish Collections and Disposal | 34,200. |
| TOTAL | 40,800. |

HIGHWAYS

| | |
|---|---|
| General Services | 412,920. |

RECREATION

| | |
|---|---|
| General Recreation Services | 13,470. |
| TOTAL GENERAL OPERATING FUNDS | 1,217,185. |

NON-GOVERNMENTAL EXPENDITURES

| | |
|---|---|
| Refunds of prior years receipts | 6,500. |
| Principal to be paid on Indebtedness and Interest | 160,000. |
| Transfers to other Funds (Capital Reserve) | 156,090. |
| TOTAL | 322,590. |
| TOTAL APPROPRIATIONS FROM GENERAL FUND | 1,539,775 |
| UNAPPROPRIATED BALANCE | 410. |

STATE LIQUID FUELS HIGHWAY AID FUND

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and Securities for appropriation | 841. |
| State Motor License Fund Grants | 77,357. |
| TOTAL ESTIMATED RECEIPTS AND CASH | 78,198. |
| SUMMARY OF APPROPRIATIONS - TOTAL EXPENDITURES | 78,198. |

FEDERAL REVENUE SHARING FUND

SUMMARY OF ESTIMATED RECEIPTS

| | |
|---|---|
| Cash and Securities for appropriation | 1,006. |
| Federal Revenue Sharing Grants | 81,944. |
| TOTAL ESTIMATED RECEIPTS AND CASH | 82,950. |

SUMMARY OF APPROPRIATIONS

| | |
|---|---|
| Operation and Maintenance | 82,950. |
| TOTAL APPROPRIATIONS | 82,950. |

SECTION II. An estimate of the specific items making up the amounts appropriated to the respective Departments is on file in the office of the Township of Wilkins, Pennsylvania.

SECTION III. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this 28th day of December 1981.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 683

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING THE COMPENSATION OF THE TOWNSHIP MANAGER.

THE TOWNSHIP OF WILKINS ORDAINS as follows:

SECTION I. The annual compensation of the Township Manager shall be calculated in accordance with the formula resulting from the 1982-83 Maintenance Employes Association Contract.

SECTION II. The Manager shall be eligible for all the benefits previously authorized.

SECTION III. The Manager shall be entitled to an automobile expense allowance of $100.00 per month for use of personal car on official duties, including building inspection and code enforcement work.

SECTION IV. Any ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 8th day of March, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 684

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RESURFACING OF BRADDSLEY DRIVE, HARWICK DRIVE, HERITAGE DRIVE, RADCLIFFE DRIVE, ROLAND ROAD, DELANEY DRIVE, MAPLE LANE AND THE RESURFACING AND RECONSTRUCTION OF DUNBAR DRIVE.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The resurfacing of the following public roads is hereby authorized and directed:

A. SLURRY SEAL:

Braddsley Drive, from Penhurst Drive to cul de sac
Harwick Drive from Penhurst Drive to Penhurst Drive
Heritage Drive from Penhurst Drive to cul de sac
Radcliffe Drive from Penhurst Drive to Harwick Drive
Roland Road
Brown Avenue to end
Dunbar Drive from Delaney Drive to Kingston Drive

B. ASPHALT:

Delaney Drive from Dunbar Drive to Kingston Drive
Maple Lane from Township line to end in its entirety

C. RECONSTRUCTION OF:

Dunbar Drive from Kingston Drive to Jefferson Heights Road

D. RESURFACING: of such other streets as may be accommodated within the budget allotment for this purpose and provided the work is recommended by Township Engineer and approved by the Board of Commissioners

SECTION II. The materials and work shall be supplied and done according to the plans and specifications therefore as prepared by the Township Engineer, which plans and specifications are adopted as part of this ordinance and are on file in the office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described resurfacing shall be done in accordance with the plans and specifications and proposal therefore by contract with the lowest responsible bidder or bidders, and the proper officers of the Township of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be paid by the Township of Wilkins and the same is hereby appropriated therefore out of funds nor or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held the 12th day of April, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky, President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 685

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE USE OF ANY EXCESSIVE SPEED PREVENTER OR SIMILAR DEVICE FOR TRAFFIC CONTROL PURPOSES.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. An Excessive Speed Preventer (ESP), Model TK100, or any future models of this or similar electrical devices (as long as such devices are approved as speed timing devices by the Department of Transportation of the Commonwealth of Pennsylvania) may be used, at the discretion of the Wilkins Township Police Department, in the Township as speed timing devices for the purpose of controlling and enforcing the speed of all traffic on all Township roads. As used in this Ordinance the term ESP will include ESP Model TK100 and all future models of this or similar electric devices.

SECTION II. All ESP or similar devices shall be properly calibrated and tested in the manner required by applicable law.

SECTION III. All ordinances or parts of any ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar as they may be in conflict with this Ordinance.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of April, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky, President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 686

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE 646 BY ADDING THERETO A PROVISION FOR ESTIMATED ASSESSMENTS IN CERTAIN CASES.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Section 5 of Ordinance No. 646 be and the same is hereby amended by adding thereto the following subsection:

(g) (1) In the event any taxpayer has failed, prior to the date of this amendment, or hereafter, fails to file a return required by this Ordinance, the Tax Collector may make an estimated assessment (based on information available) of the proper amount of tax owing by the taxpayer. A notice of assessment in the estimated amount shall be sent to the taxpayer by mailing same certified mail to taxpayer's last known address. The tax shall be paid within thirty days after a notice of such estimated assessment has been mailed to the taxpayer.

(2) Any taxpayer may contest the assessment of the tax collector and obtain a hearing by the Board of Commissioners of the Township of Wilkins.

(3) A request for a hearing shall be made within thirty days of the mailing of notice of assessment.

(4) All proceedings under subsection (g) shall be in accordance with the LOCAL AGENCY LAW.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of April, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky,
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 687

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE 647 BY ADDING THERETO A PROVISION FOR ESTIMATED ASSESSMENTS IN CERTAIN CASES.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Section 6 of Ordinance No. 647 be and the same is hereby amended by adding thereto the following subsection:

(f) (1) In the event any taxpayer has failed, prior to the date of this amendment, or hereafter, fails to file a return required by this Ordinance, the Tax Collector may make an estimated assessment (based on information available) of the proper amount of tax owing by the taxpayer. A notice of assessment in the estimated amount shall be sent to the taxpayer by mailing same certified mail to taxpayer's last known address. The tax shall be paid within thirty days after a notice of such estimated assessment has been mailed to the taxpayer.

(2) Any taxpayer may contest the assessment of the tax collector and obtain a hearing by the Board of Commissioners of the Township of Wilkins.

(3) A request for a hearing shall be made within 30 days of the mailing of notice of assessment.

(4) All proceedings under subsection (f) shall be in accordance with the LOCAL AGENCY LAW.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of April, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 688

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 386 BY ADDING THERETO A PROVISION FOR ESTIMATED ASSESSMENTS IN CERTAIN CASES.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION V. Section V of Ordinance No. 386 be and the same is amended by adding thereto the following subsection:

(H) (1) In the event any taxpayer has failed, prior to the date of this amendment, or hereafter, fails to file a return required by Section III of Ordinance No. 386, the Income Tax Officer may make an estimated assessment (based on information available) of the proper amount of tax owing by the taxpayer. A notice of assessment in the estimated amount shall be sent to the taxpayer by mailing same certified mail to taxpayer's last known address. The tax shall be paid within thirty days after a notice of such estimated assessment has been mailed to the taxpayer.

(2) In the event any employer has failed, prior to the date of this amendment, or hereafter fails to file a return as required by Section IV of Ordinance No. 386, the Income Tax Officer may make an estimated assessment (based on information available) of the proper amount of the tax due and for which the employer is liable under Section IV of Ordinance No. 386.

A notice of assessment in the estimated amount shall be sent to the employer by mailing same certified mail to the employer's last known address.

The tax shall be paid within thirty days after a notice of such estimated assessment has been mailed to the employer.

(3) Any taxpayer or employer may contest the assessment of the Income Tax Officer and obtain a hearing by the Board of Commissioners of the Township of Wilkins.

(4) A request for a hearing shall be made within thirty days of the making of notice of assessment.

(5) All proceedings under subsection (H) shall be in accordance with the LOCAL AGENCY LAW.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of April, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky, President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 689

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AMENDING ORDINANCE NO. 620 AUTHORIZES A LEASE OF CERTAIN TOWNSHIP PROPERTY TO WILKINS-CHURCHILL RESCUE ONE AMBULANCE ASSOCIATION.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Paragraph 3 of the Lease contained in Ordinance 620 is amended as follows:

As now reads....

Thence from the true point of beginning South 87° 18' 45" West, a distance of 41.43 feet to a point; thence North 67° 33' 50" West, a distance of 74.30 feet to a point, thence North 9° 59' 20" West, a distance of 100.96 feet to a point on the Westerly side of Peffer Road, thence South 61° 49' 50" East, a distance of 145.23 feet to a point on the Westerly side of Peffer Road, thence along the Westerly side of Peffer Road South 00° 27' 30" West, a distance of 57.284 feet to the point at the place of beginning.

Be amended to read....

Thence from the true point of beginning South 87° 18' 45" West, a distance of 41.43 feet to a point; thence North 67° 33' 50" West, a distance of 94.30 feet to a point, thence North 9° 59' 20" West, a distance of 100.96 feet to a point on the Westerly side of Peffer Road, thence South 61° 49' 50" East, a distance of 165.23 feet to a point on the Westerly side of Peffer Road, thence along the Westerly side of Peffer Road South 00° 27' 30" West, a distance of 57.284 feet to the point at the place of beginning.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of June, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

ORDINANCE NO. 690

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 669 REGARDING COMPENSATION OF THE TOWNSHIP TREASURER.

THE TOWNSHIP OF WILKINS ordains as follows:

That Section II of Ordinance No. 660 9w3 as now reads....

"SECTION II. TAX COLLECTOR The sum of $6,600.00 annually to be paid in two installments. The first after the collection and deposit of at least 50% of the current Real Estate Tax and the balance on or before December 15th"

Be amended to read:

"SECTION II. TAX COLLECTOR The sum of $6,600.00 annually to be paid in equal quarterly installments with an audit and adjustment, if necessary, at the time of the fourth quarter payment."

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of June, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 691

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING AND DIRECTING THE REPLACING OF AN AGREEMENT DATED NOVEMBER 8, 1976, BETWEEN THE TOWNSHIP OF WILKINS AND SHOWS, INC. WITH A SUBSTITUTE AGREEMENT PROVIDING FOR THE GRANTING OF A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, RECONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The proper Township officials are authorized and directed to execute and deliver, on behalf of the Township, an Agreement with Shows, Inc., in substantially the following form:

ORD BOOK
copy

# AGREEMENT

AGREEMENT MADE AND ENTERED INTO BY AND BETWEEN THE TOWNSHIP OF WILKINS, A MUNICIPAL CORPORATION CREATED UNDER THE LAWS OF PENNSYLVANIA, ALLEGHENY COUNTY, PENNSYLVANIA, HEREINAFTER CALLED THE "TOWNSHIP", AND SHOWS, INC., DOING BUSINESS AS VALLEY CABLE TV, A SUBSIDIARY OF AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION (ATC), A CORPORATION HEREINAFTER CALLED THE "COMPANY", CREATED UNDER THE LAWS OF PENNSYLVANIA, AND HAVING ITS PRINCIPAL OFFICE IN THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE MUNICIPAL OFFICIALS TO GRANT A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, RECONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP, AND CANCEL THE PRESENT AGREEMENT DATED NOVEMBER 8, 1976, AS OF THE DATE OF EXECUTION OF THIS AGREEMENT AND REPLACE IT IN ITS ENTIRETY BY THIS AGREEMENT, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF A NON-EXCLUSIVE FRANCHISE: PROVIDING FOR MUNICIPAL REGULATION AND USE OF THE SYSTEM: PROVIDING FOR PAYMENT OF A FEE FOR CONSTRUCTION AND OPERATION OF THE SYSTEM: PROVIDING FOR A PERIODIC REVIEW OF FISCAL, CUSTOMER RELATIONS AND TECHNICAL OPERATION, PRESCRIBING PENALTIES INCLUDING REVOCATION OF THIS FRANCHISE FOR VIOLATION OF ITS PROVISIONS.

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SECTION II

## DEFINITIONS

A. "Township" shall mean the Township of Wilkins in the County of Allegheny, in the Commonwealth of Pennsylvania.

B. "Commissioners" shall mean the elected Board of Commissioners of the Township of Wilkins.

C. "Grantee" refers to Shows, Inc., doing business as Valley Cable TV, a subsidiary of American Television & Communications Corporation (ATC), a solely owned subsidiary of Time, Inc., 160 Inverness Drive West, Englewood, Colorado 80112 organized under the laws of the Commonwealth of Pennsylvania.

D. "Cablecasting" (1), "Origination" (2), "Community Access" (3), shall mean:

1. Programming, exclusive of broadcast signals, carried on a cable television system.

2. Programming, exclusive of broadcast signals, carried on a cable television system over one or more channels, and subject to the exclusive control of the cable operator.

3. Programming, exclusive of broadcast signals, produced by individuals, organizations and institutions expressly for telecasting over community access channels.

E. "CATV" shall mean a community antenna television system or a system of antennas, cables, wires, lines, towers, waveguides, microwave, laser beams, any optical or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, amplifying and distributing to and from subscribing members of the public who pay for such service by audio, video, and other forms of electronic or electrical signals in the Township. Such term shall conform to the definition as established by the Federal Communications Commission, sometimes referred to herein as the F.C.C.

F. "Total Local Gross Revenues" shall mean any and all compensation, excluding ancillary services such as those listed in Section G-3 of the Definitions, and other consideration in any form, paid by anyone and received by the Grantee arising from the sale or lease by the Grantee, of the system's services, and received or derived from the operations within the Township, shall be considered in computing said sum for the purposes of computing any franchise fee pursuant to this agreement. Said sum shall not, however, include any sales, service, rent, occupation or other excise tax to the extent that such taxes are charged separately in addition to other charges and are remitted by the Grantee to the taxing authority.

G. "Service, Basic, and Additional" shall mean:

1. "Basic Service" shall mean the delivery by the Grantee to television receivers or any other type of suitable audio-video communication receivers, of all subscribers, and to all locations within the Township, of all signals of over-the-air television broadcasters as required by the F.C.C. to be carried by this CATV system: the channels designated for special purposes by the Commissioners and agreed to by the Grantee; community access channels, audio signals as mandated by this agreement. and any other services at the option of the Grantee.

2. "Additional Service" shall mean any other telecommunications service other than Basic Service, provided over its System by the Grantee directly or as a carrier for its subsidiaries, affiliates or any other person engaged in communications services including, by the way of example but not limited to Pay TV.

3. "Ancillary Service" shall mean any other tele-communications service provided over its system by the Grantee directly or as a carrier for its subsidiaries, affiliates or any other person engaged in communications services including, by way of example but not limited to, home and business protection systems, data or other electronic intelligence transmission, facsimile reproduction, meter reading, home shopping and other interactive services.

H. "Subscriber" shall mean a purchaser of any service delivered over the CATV system and includes those persons who are not required to pay any fee because of their exemption from fees by this agreement or through agreements with the Grantee.

I. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind

J. "The Wilkins Township Commissioners" are responsible for continuing regulatory jurisdiction over the system as described herein.

K. "Street, Highway" shall mean all public rights of way and public grounds or waters within or belonging to the Township including but not limited to streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers, and alleys.

L. "System" shall mean the broadband communications facility which is to be constructed, operated and maintained by the Grantee in the Township.

M. "User" shall mean a person or organization utilizing a System channel for purposes of production and/or transmission of material, as contrasted with receipt thereof in a subscriber capacity.

N. "Wilkins CATV Advisory Committee" shall mean a committee established by the Commissioners to act as an advisory body to the Commissioners on matters pertaining to CATV. Hereinafter said committee shall be referred to as Committee.

O. For the purposes of this agreement, the preceding terms, words, phrases, and their derivation shall have the meanings given herein. When not inconsistent with the context, words used in the present or past tense include the future, words used in the plural number include the singular number, words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

P. "Franchise" shall mean the rights, privileges, obligations and all other terms and conditions of this agreement.

Q. "Two-way Capability" means the system will have the design capability and will be activated initially for two-way transmission on a single cable from any subscriber tap in the system. This will allow video (color or black and white), audio and data signals to be returned to the hub from any point in the system.

SECTION III

## AUTHORITY TO GRANT FRANCHISES

A. The Township of Wilkins, upon careful consideration of the qualifications and the past experience of Valley Cable TV (especially since its ownership and control by Shows, Inc., a subsidiary of American Television & Communications Corp.) the present franchisee, and in consideration of the faithful performance and observance of the conditions and reservations herein specified hereby renews the non exclusive right to Valley Cable TV, 200 James Place, P.O. Box 445, Monroeville, PA 15146, hereinafter called the grantee to erect, construct, operate and maintain, in, upon, along, across, above, over and under streets, alleys, public ways and public places now laid out or dedicated and all such extensions thereof and additions thereto in the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania and public utility rights-of-way and easements to the extent the Township of Wilkins is empowered to grant such rights with respect thereto; all poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation of a CATV system, hereinafter sometimes referred to as a cable television system, and/or of television programs and other audiovisual electrical signals and the right to transmit the same to the inhabitants of the Township expressly reserves the right to grant similar use of said streets, alleys, public ways and public places to any person at any time during the period of this franchise.

SECTION IV

## TERM OF FRANCHISE

A. Subject of the provisions herein, the rights and privileges of the Grantee shall continue for a period of fifteen (15) years from the date of acceptance of this Franchise by the Grantee, which shall be deemed to constitute an express contract between the Township and Grantee.

B. This Agreement, when accepted by the Company, shall be and become a valid and binding contract between the Township and the Company, but this Agreement shall not be valid unless the Company shall, within thirty (30) days after passage and publication of same by the Township, file with the Township, its unconditional acceptance of the Agreement as herein provided.

SECTION V

## COMPLIANCE WITH ALL APPLICABLE LAWS AND ORDINANCES

A. The Grantee shall at all times during the life of this franchise, and any extensions thereof, be subject to all lawful exercise of the police power of the Township of Wilkins, and to such reasonable regulations as the Township of Wilkins may hereinafter provide, and shall comply with all applicable State and Federal regulations.

SECTION VI

## RENEWAL PROCEDURES

A. Upon the expiration of any franchise to construct, operate and maintain a CATV System, providing renewal procedures have not been initiated, the Commissioners may, by Resolution direct the Grantee to operate said System for the account of the Township for a period of six (6) months and the Grantee agrees to comply with such necessary costs incurred by the Grantee in operating such System. Such costs shall be determined by an impartial audit of the Grantee and agreed upon by both the Grantee and the Township.

B. Procedure to consider renewal:

1. Thirteen (13) months prior to the expiration of the franchise, the Township shall review the performance of the Grantee in accordance with the content of this Franchise.

2. The Commissioners shall proceed to determine at a public hearing whether the operator of the franchise has satisfactorily performed his obligations under the franchise after properly given public notice as required by law, including notification of the Grantee. To determine satisfactory performance, the Commissioners shall review technical developments and performance of the system, programming, additional services offered, cost of service, fiscal customer relations and technical audits, and any other particular requirement that may be set forth in this franchise. Upon determination by the Commissioners that the company's performance has been satisfactory, the Commissioners may renew the franchise.

SECTION VII

## REVIEW PROCEDURES

A. In order to allow for technological changes in the state of the art regarding CATV, and to facilitate renewal procedures, allow for maximum degree of flexibility in the System, and to help achieve a continuing, advanced, modern System for the Township, the Grantee shall provide for the following review procedures:

1. The Township and the Grantee may hold a scheduled review session within thirty (30) days of the first anniversary date of the Grantee's execution of the franchise agreement. Subsequent review sessions may be scheduled by the Commissioners every year thereafter.

2. The following topics for discussion shall include, but not be limited to, service rate structure, free or discounted services, application of new technologies, system performance, services provided, programming offered, subscriber complaints, theft of service without petition, user complaints, privacy in human rights, amendments to this agreement, undergrounding process, judicial and F.C.C. rulings. Topics in addition to those listed herein may be added if agreed upon by the Township and the Grantee. Members of the general public may introduce topics either by working through the Commissioners and/or the Grantee, or by presenting a petition to the Commissioners. If such a petition bears the signatures of twenty-five (25) or more subscribers of the system, the proposed topics shall be discussed at the review session.

3. Signal coverage and system functions will be reviewed annually and changes suggested by the Township will be considered for subsequent agreement.

SECTION VIII

## TERMINATION

A. Termination Provisions

1. The Township may terminate any franchise granted pursuant to the provisions of this franchise in the event of the failure, refusal, or neglect to comply with material provisions of this franchise by the Grantee, for which the Grantee is in default, except when such failure, refusal or neglect is caused by circumstances beyond the control of the Grantee such as noted under Section XII (B) 3 to do or comply with any material requirements or limitations contained in this franchise, or any material rule or regulation of the Township adopted pursuant to this franchise in accordance with the following procedures:

   a. The Township shall notify the Grantee of the alleged default, advising the Grantee that the Township believes that the default is of a material and substantial provision of the agreement. The Grantee shall have sixty (60) days subsequent to the receipt of notice from the Township or seventy-five (75) days subsequent to the mailing of notice, whichever is less, to cure the violation (s).

   b. If the Grantee does not respond, or, upon receipt of the Grantee's response and/or evidence of correction of the violation, if the Township concludes that a basis for termination still exists, it shall notify the Grantee thereof, and indicate the date on which a public hearing shall be held pursuant to ten (10) days public notice in a newspaper of general circulation.

   c. At that public hearing, the Grantee shall be afforded an opportunity, to explain the reasons for the alleged violation(s). Upon conclusion thereof, the Township may terminate the franchise or direct the Grantee to comply within such time and manner and upon such terms and conditions as the Township may direct.

   d. Termination and forfeiture of any franchise shall in no way affect the rights of the Township under the franchise or any provision of law.

SECTION IX

## TRANSFERS AND ASSIGNMENTS

A. Transfer/Assignment Provisions

1. Transfers and/or assignments shall not be permitted without prior written consent of the Commissioners.

2. The Grantee operating under this franchise and for the duration of the franchise granted herein, shall not be permitted to sell, transfer, or otherwise change the ownership of the System herein granted the franchise without prior written consent of the Commissioners.

    a. Should the Grantee operating under this franchise and for the duration of the franchise granted herein, sell, transfer, or otherwise change the ownership of the System herein granted without prior written consent of the Commissioners, the Commissioners may terminate the franchise.

3. The consent or approval of the Commissioners to an assignment, lease, transfer, sublease, or mortgage of the franchise granted herein to the Grantee shall not constitute a waiver or release of the rights of the Township in and to the streets.

SECTION X

## FORECLOSURE AND RECEIVERSHIP

A. Foreclosure/Receivership Provisions:

1. Any foreclosure or judicial sale of all, or any part of the system shall be considered default.

   a. Initiation of any such preceedings shall be treated as a notification of a change of control of the Grantee and the provisions of Section VII of this agreement shall apply.

2. The Township shall have the right to cancel this franchise one hundred and twenty (120) days after the election or appointment of a receiver of trustee to take over and conduct the business of the Grantee, whether in receivership, reorganization, bankruptcy, or other action or proceedings, unless such receivership or trusteeship shall have vacated prior to the expiration of the one hundred and twenty (120) days; or unless:

   a. Within one hundred and twenty (120) days after the election or appointment such receiver or trustee shall have fully complied with all provisions of this franchise and remedied all defaults thereunder; and:

   b. Within said one hundred and twenty (120) days such receiver or trustee shall have executed an agreement, duly approved by the Court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this franchise.

SECTION XI

## PERFORMANCE BOND AND SECURITY FUNDS

A. Bond and Fund Provisions

1. Upon execution of the franchise agreement the Grantee shall deposit with the Township a Proof of Performance Bond in the amount of Fifty Thousand ($50,000.00) Dollars as security for the faithful performance by said Grantee of all orders, permits, and directions of any agency of the Township having jurisdiction over its acts under this franchise. Said bond shall insure defaults of this contract until the System if fully operational as specified in this franchise, and shall insure the payment by the Grantee of any claims, liens, and taxes due the Township which may arise by reason of the construction, operation or maintenance of the System.

2. Thereafter the Grantee shall maintain for the duration of this contract a Performance Bond in the amount of twenty-five thousand, ($25,000.00) dollars.

3. If the Grantee fails to pay to the Township any compensation within the time fixed herein, or fails, after thirty (30) days notice, to pay to the Township any taxes due and/or unpaid, or fails to repay to the Township within thirty (30) days any damages, costs, or expenses which the Township shall be compelled to pay by reason of any act or default of the Grantee in connection with the franchise granted herein, or fails after thirty (30) days notice of said failures by the Township Manager to comply, or fails to comply with any provision of this franchise which the Township reasonably determines, the Commissioners shall take appropriate legal action against the Grantee which shall include, but may not be limited to, any rights under the Performance Bond.

SECTION XII

## FRANCHISE TERRITORY AND CONSTRUCTION SCHEDULE

A. Franchise Territory

1. The franchise granted herein is for the present territorial limits of the Township and for any area henceforth added therto during the term of this franchise.

B. Construction Schedule

1. The Grantee shall, within 16 months of the date of execution of the franchise, install and make operational in accordance with the provisions of this franchise and the Grantee's application for said franchise, distribution of cable along substantially all areas within the Township in which the density of single family detached dwelling units is at least fifty (50) or more homes per lineal mile, according to the following schedules:

   a. Thirty-five (35) percent of the agreed upon total by the end of the first eight (8) months.

   b. One Hundred (100) percent of the agreed upon total by the end of sixteen (16) months.

   c. Should the Grantee fail to meet the schedule as outlined in Section XII-B-1-a-b liquidated damages in the amount of Twenty-four hundred ($2,400.00) dollars will be paid to the Township for each month or portion of a month in which the Grantee is in violation.

2. The Grantee shall offer service to all residences within the Township limits recognizing technological and economic constraints which may arise.

3. The Township recognizes the interrelationship between the Grantee and other entities upon which the Grantee may be dependent in order to fulfill the Grantee's construction obligations under this franchise. Therefore, the Grantee shall not be held in default of the construction timetable (Section XII B(1) due to the following causes subject to the review and approval of the Commissioners.

   a. Reasons beyond the Grantee's control

   b. The Grantee must notify the Commissioners of such causes and anticipated delays within ten (10) working days of the initial knowledge of such causes for delay. The Commissioners may extend in writing the time period.

FRANCHISE TERRITORY AND CONSTRUCTION SCHEDULE (cont.)

4. In all cases where development and subdivisions are to be constructed and to be served in whole or in part by underground power and telephone utilities, and in such areas where both utilities are to be placed underground, exclusive of all electronic cable television facilities, the Grantee shall similarly comply.

5. Upon the reasonable request for service by any person within the Township, the Grantee shall, within thirty (30) days, furnish the requested service to said person providing the location of the requested service is within an area serviced by a feeder line.

6. Prior to the commencement of any construction of any part of the System, the Grantee shall submit to the Township a construction plan, which shall be the electronic design maps, showing the location and design of all proposed construction. Said construction plans and design maps shall be approved and returned to the Grantee within two (2) weeks, if not, the construction schedule will be extended on a day for day basis for each day's delay in excess of ten working days.

7. The Township shall have the right to inspect all construction and/or installation work that is performed by the Grantee.

8. The Grantee may interconnect, and is encouraged to interconnect directly or indirectly by cable, microwave or other means, with any other cable television system operating in an adjacent area. Such interconnections shall be made upon mutual agreement by interested cable systems and local regulatory agencies.

SECTION XIII

## CUSTOMER SERVICES

A. Extension of Service

1. CATV Basic Service shall be made available to substantially all individual dwellings, residences, institutions, organizations, and all other entities within the limits of the Township, in accordance with the provisions of this franchise and all laws governing the rights of privacy and passage.

2. Installation and service fees shall be equal for all basic service subscribers.

   a. Installation or subscriber use of CATV service which involves the retransmission of the cable signal to multiple reception points via a privately-owned closed circuit television distribution system shall be negotiated separately by the Grantee and the subscriber.

3. Residential installation shall occur as an activated or reactivated feeder line passes the home or dwelling, upon request of the resident.

4. Each class of subscriber service shall be offered cable television service on a uniform, non-discriminatory basis within said class.

5. All cable equipment shall be removed from a subscriber's property when so requested by a subscriber except as such removal would interfere with the provision of cable services to another subscriber in the same structure.

6. Cable, whether underground or aerial, shall conform to the various other ordinances in effect within the Township pertaining to construction.

7. Upon request of the subscriber, the Grantee shall provide and install a device, at cost to the subscriber, enabling the subscriber to switch from the cable system to his own antenna system or the signal source.

B. Service Provision

1. The System shall be designed for reliable operation twenty-four (24) hours per day and shall ensure service impairment of interruptions only for good cause. Interruptions of service shall be for the shortest times possible

CUSTOMER SERVICES (cont.)

2. The Grantee shall maintain an office in Monroeville and shall be open to the general public during all usual business hours.

3. The Grantee shall have a publicly listed telephone.

   a. The Grantee shall maintain a twenty-four (24) hour answering device or operator each day of the year in order to receive subscriber complaints.

      1. The Grantee shall maintain an eighteen month record of each and every subscriber complaint received and the disposition thereof.

      2. Said record shall be available for inspection by the Commissioners. Upon request a written summary shall be given the Township anually on the anniversary date of the awarding of the franchise.

4. The Grantee shall maintain a repair and trouble-shooting force capable of responding to subscriber complaints and/ or requests for cable system repairs within twenty-four (24) hours as a maximum after the receipt of the complaint and/or request.

   a. There shall be no charge to the subscriber for this service. The Grantee shall maintain a record on the disposition of all complaints and/or requests for repairs and shall provide upon request an annual summary to the Township within thirty (30) days of the anniversary date of the awarding of the franchise.

   b. Said record shall be available for inspection by the Commissioners upon reasonable notice, but in no case less than four (4) times annually.

5. In the event that its service to subscribers is interrupted for forty-eight (48) or more consecutive hours, except through Acts of God, circumstances beyond the control of the Grantee, or in circumstances beyond the control of the Grantee, or in circumstances for which prior written approval has been obtained from the Township permitting such interruption, the Grantee shall grant affected subscribers a pro rata credit or rebate for the full duration of the interruption and shall inform the subscriber of this in the billing notice for that time period.

SECTION XIII

CUSTOMER SERVICES (cont.)

6. The Grantee shall not deny nor delay service, deny nor delay access, or otherwise discriminate against subscribers, channel users, or general citizens on any basis whatsoever.

   a. The Grantee shall strictly adhere to the Equal Employment Opportunity requirements of the F.C.C. as expressed in Section 76.13 (a) (8) and 76.311 of Chapter I, Title 47 of the Code of Federal Regulations and all Federal State and Local laws, regulations and executive orders pertaining to equal employment opportunity and affirmative action programs and nondiscrimination.

   b. The Grantee shall comply with all provisions of the Equal Employment Opportunity Act as the same may be from time to time amended.

SECTION XIV

## SYSTEM DESIGN

A. Two-Way Capability

1. Maximum two-way service capability shall be designed into the System at its inception.

2. During the operation of the cable system, the Grantee shall strictly observe the privacy and property rights of subscribers.

   a. The following restrictions shall apply to the release by the Grantee of information and data:

      1. The Grantee shall always indicate the number of its subscribers as a whole number and as a percentage of potential subscribers in the Township.

      2. The Grantee must at the request of the Commissioners release to the Township both the number and the percentage of subscribers purchasing any service contemplated in this agreement, including the identity and address of any subscriber. This shall be done at cost and will be duducted from the franchise fee paid to the Township.

      3. The Grantee may maintain such records as are necessary to bill subscribers for the purchase of any cable service.

      4. Neither the Grantee nor any other person shall initiate in any form the discovery of any information on or about a subscriber's premises without prior written authorization from the subscriber potentially affected.

      5. Valid authorization shall mean voluntary written approval and consent obtained from a subscriber to conduct the investigation described in this section prior to the commencement of such investigation for a period of time not to exceed one (1) year from the date of such authorization, and that shall not have been obtained as a condition of cable service or continuation thereof or communications facility usage.

SYSTEM DESIGN (cont.)

3. Without the authorization described in this section, neither the Grantee nor any other person shall in any manner activate, utilize or otherwise operate any channel or communication service from a subscriber's location.

4. Every subscriber shall have the absolute right to deactivate the return path from the subscriber's receiver at the Grantee's sole cost.

5. The Grantee shall not tabulate any test results, nor permit the use of its cable system for such tabulation, which would reveal the commercial product preferences or opinions of subscribers, members of their families or their invitees, licensees or employees without the express written consent of each and every subscriber so polled or tabulated.

B. Channel Capacity

1. The Grantee shall construct a CATV System with sufficient bandwidth that when used in conjunction with an appropriate device at the subscriber's receiver shall enable the reception of a minimum of thrty-five (35) channels of downstream video channels.

   a. The channels shall be divided so as to have a minimum of thirty-five (35) channels of donwstream availability.

   b. The System shall have the capability and will be activated initially to provide bi-directional return communications without any technical modifications or additions to the transmission system.

   c. The System shall have the capability from its inception of providing a minimum capacity of four (4) upstream television channels. Discrete amplifiers shall be added as required for this upstream path.

C. Emergency Override

1. The System shall include an Emergency Alert capability which will permit authorized personnel authorized by Wilkins Township to override the audio of all TV channels simultaneously in accordance with F.C.C. regulations in the case of public emergencies such as, but not limited to, nuclear holocaust, flood, major fires, war, third stage pollution alerts, and threats of the general well-being of the general public. The Grantee shall designate a channel which will be used for emergency broadcasts.

SYSTEM DESIGN (cont.)

D. Standby Power

1. The Grantee shall maintain equipment capable of providing standby powering for the headend.

2. The Grantee shall provide standby powering of all trunkline amplifiers and shall particularly take measures to insure reliable delivery of signals into the Township.

E. Subscriber and Community Services

1. Channel Uses

a. The Grantee shall carry all broadcast television signals as specified by the F.C.C. In the event of F.C.C. deregulation the Grantee shall deliver all local commercial and educational television signals in the grade A broadcast contours of the franchise area. The Grantee shall deliver a minimum of 25 programming services.

b. The Grantee shall make available to all subscribers a full range of FM radio signals, and charge an additional fee for the service.

1. The Grantee shall provide to the Commissioners a list of all FM radio signals which will be carried on the System. The Grantee shall have the right to make changes in the FM radio signals carried with notification to the Commissioners.

2. All FM signals will be individually "processed".

3. At least, one (1) FM channel is to be designated for stereo FM accompanying PBS broadcasts. Other FM channels may be so designated for stereo cablecasting of the aural portion of certain Pay TV channels.

c. The Grantee shall make available to all subscribers an automated channel for video transmission of community messages and announcements. The audio portion of this channel shall carry on a 24 hour basis the radio weather service of the National Oceanic and Atmospheric Agency (NOAA), Pittsburgh, Pennsylvania transmitter. This channel may contain information about and for other communities.

SYSTEM DESIGN (cont.)

d. The Grantee is encouraged to provide time, weather, stockmarket, news, and such other information that may be of general interest to subscribers on the automated channel or on additional channels.

e. The Grantee shall provide at least one Community Access Channel.

f. The Grantee shall activate additional access channels, for, but not limited to, public, governmental, and educational local access as a minimum.

g. The Grantee shall make available one audio channel for transmission of background music and audio access programming, for use by the public on a first come, non-discriminatory basis. Audio access programming at all times shall have priority over the transmission of background music on this shared channel.

h. The Grantee shall reserve at least four (4) channels for Community access and public service use. These channels shall include the Community Access Channel and the Automated Message Channel. The Grantee shall make no additional use of these channels without written authorization of the Commissioners.

i. The Grantee shall make available without charge direct signal transmission capability from all schools located within Wilkins Township and the Wilkins Township Municipal Building. Said capability will not be required or provided until such time that these schools or buildings are equipped and ready to originate programming.

j. The Grantee shall provide Basic Service, without cost, to all public and private non-profit elementary and secondary schools, upon request, as the feeder line passes said schools, provided that the closest point of the school structure and the closest point of the System is not greater than 300 feet. The Grantee shall have the right to charge an amount equal to its cost of materials and labor for installation in excess of 300 feet. Said charges shall only apply to that portion of the installation which is in excess of 300 feet. The Grantee shall provide to

SYSTEM DESIGN (cont.)

any school, at its request, such equipment and labor as may be required to provide said school with upstream signal transmission. Charges to the school for such equipment and labor shall not exceed Grantee's cost. Schools shall be responsible for the purchase, maintenance and operation of cablecasting production equipment, internal wiring, and modulator unit necessary for the transmission of audio and video signals to the headend.

k. The Grantee shall provide at the cost of its labor and equipment, upon request, System equipment necessary to provide direct signal transmission from institutions. If two or more such entities utilize the same trunk line for upstream transmission at the time of activation, costs shall be divided equally. An entity utilizing such a trunk line following initial activation shall be assessed an equal portion of the original cost, which portion shall be divided equally and rebated to the original purchasers.

2. Leased Channels

a. Definitions

1. Commercial Leased Channel shall mean a cable channel leased to a non-affiliated third party to permit presentation and distribution of local non-operator video/audio programming or other video/audio communications to subscribers for a specified fee.

2. Commercial Channel Leasee shall mean a non-affiliated third party leasing a cable channel for the presentation and distribution of local non-operator video/audio programs or other video/audio communications over a cable channel for a specified fee.

b. Interference

1. Operations of a commercial leased channel shall not in any way cause interference to any other cable channel.

a. It shall be the responsibility of the commercial channel lessee to avoid such interference.

SYSTEM DESIGN (cont.)

1. In the event that such avoidance is not possible, the commercial channel lessee shall cease further operations until such interference is eliminated.

b. Failure to comply with this regulation shall result in the immediate forfeiture of all privileges regardless of the existence of any lease, claim or contract or other claim of right.

3. Construction

a. The construction required to upgrade to a 35 channel bidirectional system will require a complete rebuild. This encompasses stringing all new trunk and feeder cables as well as the placement of all new electronics. To accomplish this new build and maintain the existing service simultaneously, the existing system will be raised on the utility poles to a temporary attachment, then the new system will be placed onto the permanent attachments. At this point the subscribers will still be connected to the old system. Once the new system is completed and the Proof of Performance is completed, the existing subscribers will be transferred to the new system.

SECTION XV

## COMMUNITY ACCESS PROGRAMMING AND PUBLIC SERVICE PROVISION

A. The Grantee shall provide a community access facility for use by the Township and its residents at the location of the Grantee's business offices, and is encouraged to use local suppliers whenever possible to equip, furnish, and maintain said facilities.

1. Those sections of the System providing direct signal transmission capability from the location of E.-1, (i) shall be activated within sixteen (16) months of the execution of the franchise agreement.

2. The Grantee shall make available studio equipment for use in cablecasting or video recording at remote locations.

3. The Grantee shall provide modulators for upstream transmission to the headend of video and audio signals from remote locations for community access programming.

4. Use of the community facility shall be offered on a first come, non-discriminatory basis, in accordance with the following:

   a. There shall be no charge for the cable casting of prerecorded audio and video tapes during those hours agreed to by the Grantee and the Township.

   b. The access facility shall be open to public use during those hours agreed to by the Grantee and the Township.

   c. The Grantee shall provide personnel for the operation of the community access facility and training for the users of the facility.

   d. No Studio charges shall be made for live community access programs not exceeding thirty (30) minutes from the first instant programming commences. Charges for equipment, personnel, and production of community access programming shall be reasonable and consistent with the goal of affording users a low-cost means of television access. There shall be no charges for studio use for rehearsals and training of personnel.

   e. Persons under the age of eighteen (18) may not use community access equipment or facilities unless application for said use is made by an adult and an adult supervises such use.

COMMUNITY ACCESS PROGRAMMING AND PUBLIC SERVICE PROVISION (cont.)

f. The Grantee shall maintian a complete record of the names and addresses of all persons or groups requesting times.

g. The community access facility shall be maintained for the life of the franchise and provision shall be made for updating equipment as the state of the art advances, upon recommendation of the Township.

5. The Grantee shall in no way restrict the content or message of any program presented over any of the community access channels. There are, however, subjects which are specifically prohibited by this franchise from being distributed, telecast and/or cablecast via the cable system.

a. The following material(s) are specifically prohibited from being distributed, telecast and/or cablecast on any and all community access channels:

1. Any advertising material designed to promote the sale of commercial products or services, including advertising by or on the behalf of candidates for public elective office.

2. Any lottery information, gift enterprise or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of prizes drawn or awarded by means of any such prizes; or any lottery, gift enterprise or similar scheme if, in connection with such programs, a prize consisting of money or a thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of any program transmitted via the cable system; and,

3. Any material that is obscene or indecent.

a. The Grantee shall refuse to distribute via the cable system community access programming or leased channel programming that he deems to be obscene or indecent or otherwise prohibited from such publication by law.

SECTION XV

COMMUNITY ACCESS PROGRAMMING AND PUBLIC SERVICE PROVISION (cont.)

1. In case of doubt, the Grantee may seek the advice of the Township, whose decision shall be obligatory.

6. Every user to the community access production center shall be fully cognizant of his or her ethical and legal responsibilities and liabilities before using said center.

   a. The Grantee shall furnish all entities seeking an application to use the community access production center and/or community access channels with a description of the responsibilities inherent in use of such centers and/or channels.

   b. All users of any and all community access channels shall be responsible for all necessary and appropriate arrangements with, and shall obtain all appropriate clearances from broadcast stations, networks, sponsors, music licensing organizations, performers, representatives and, without limitation from the foregoing, any and all other persons, natural and otherwise, as may be necessary to transmit their program material over the cable television system.

   c. In recognition of the fact that the Grantee shall exercise no editorial control over the content of program material to be transmitted via the cable system, except as provided for herein, all users of any and all community access channels shall agree to hold the Grantee harmless from any and all liability or other injury (including any reasonable costs of defending claims or litigation) arising from or in connection with claims for failure to comply with any applicable laws, rules, regulations, or other requirements of local, state or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name or service mark; for breach of contractual or other obligations owing to third parties by the franchisee; and for any other injury or damage in law or equity, which claims result from the user's use of the community access channels.

7. The Grantee shall refuse to accept programming for community access which he feels is proper and appropriate only for commercial leased access.

SECTION XV

COMMUNITY ACCESS PROGRAMMING AND PUBLIC SERVICE PROVISIONS (cont.)

B. The Grantee shall have the responsibility of accepting and displaying messages and announcements via the Automated Channel.

1. Messages and announcements from the public shall be accepted during the normal business hours from the Grantee.

2. Messages and announcements of an emergency nature will be accepted and displayed in accordance with a procedure provided by the Grantee.

3. The Grantee shall display public access programming schedules on the Automated Channel.

4. The Grantee shall provide a video or other form of program guide. Any changes in channel assignments even if temporary in nature shall be promptly displayed on this channel.

SECTION XVI

TECHNICAL PERFORMANCES AND STANDARDS

A. All performance and technical standards governing construction, reconstruction, installation, operation, testing, use, maintenance and dismantling of the cable system provided for herein shall be in accordance with all applicable F.C.C. and other Federal, State and Local laws and regulations, provided, however, that the Township may require such standards as it shall deem necessary.

B. The Grantee shall provide to the Township the following Design Criteria as required in Section XII-B(6):

1. The direction from which signals will enter the Township.

2. Maximum amplifier cascade in the Township.

3. Maximum amplifier cascade outside of the Township.

4. Picture quality criteria.

5. Amplifiers type and levels.

C. The Township reserves the right to retain at its expense an Engineer of its choice to evaluate the System's technical performance on an annual basis, or more often but not to exceed an average of once a year, and the Grantee agrees to co-operate in this evaluation. This evalutaion may be done in conjunction with the annual proof of performance testing as required by F.C.C.

SECTION XVII

## LOCAL REGULATORY FRAMEWORK

A. Regulation

1. Continuing Regulatory Jurisdiction

   a. The Township shall have continuing regulatory jurisdiction and supervision over the operation of any franchise granted hereunder, and may, from time to time, adopt such reasonable rules and regulations as it may deem necessary for the conduct of business contemplated herein.

2. Complaint Procedure

   a. Any subscriber who has a complaint regarding the quality of cable television service, equipment malfunctions, billings, or any other matter which remains unresolved for thirty (30) days after it has been brought to the Grantee's attention, in writing, may file a complaint in writing with the Township which shall have the primary responsibility for the continuing administration of complaint procedures hereunder.

   b. Upon filing of such a complaint, Township Commissioners shall notify the Grantee and make an investigation to determine whether or not there is reason to credit the allegations. If it is determined after such investigation that there is reason to credit the allegations of the complainant, the Township shall so notify the Grantee and the complainant, and shall promptly endeavor to resolve the matter by conciliation and persuasion.

SECTION XVIII

## FRANCHISE FEES

A. Compensation

1. As compensation for a franchise granted pursuant to this agreement, and in consideration of permission to use the streets and public ways of the Township for the construction, operation, maintenance and reconstruction of a cable system within the Township, Grantee shall pay anually to the Township an amount equal to three (3%) percent of Grantee's total local gross revenues from all sources attributable to the operations of Grantee within the Township each year of this franchise. In the event that Federal law, in the future, permits any other basis for computing the franchise fee be established, such basis, or any part thereof, may be utilized herein.

2. Payments due the Township under this provision shall be computed by the Grantee anually. Payment shall be due and payable to the Township no later than thirty (30) days after the relevant computation date. Payment shall be accompanied by a brief statement verified by the proper officer of the applicant showing the basis for the computation and such other relevant facts as may be required by the Township. Failure to comply with this section shall invoke the penalty procedures as stated in Section VIII.

3. No acceptance of any payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall such acceptance of payment be construed as a release of any claim the Township may have for further or additional sums payable under the provisions of this agreement. All amounts paid shall be subject to audit and recomputation by the Township. In the event that recomputation results in additional revenue to be paid to the Township, such amount shall be subject to a ten (10%) percent interest which shall be charged on the additional revenue sum.

B. General Rate Provisions

1. The Grantee shall not be permitted to charge a convertor security deposit fee greater than the Grantee's cost of the convertor.

   a. Said fee shall be returned to the subscriber upon return of the convertor within thirty (30) days following the return of the convertor.

SECTION XIX

## RATES

A. Initial Rate for Basic Subscriber Service

1. The Grantee's initial rates for basic subscriber service shall be as set forth in the proposal in substantially the following form which shall become part of the franchise and contract between the parties:

| | BASIC SERVICE CHARGE | INSTALLATION CHARGE | MONTHLY SERVICE CHARGE | REFUNDABLE DEPOSIT |
|---|---|---|---|---|
| a. | Residential Subscriber First Outlet (basic service) | $15.00 | $7.95 | |
| | Converter Charge (Deposit Each Outlet | | | $10.00 |
| | Additional Outlet Each | $10.00 | $3.50 | |
| | Relocation of Outlet | $10.00 | | |
| | Reconnection Charge | $10.00 | | |
| | FM Service | $10.00 | $2.50 | |
| | ** At door collection of delinquent accounts | $10.00 | | |
| b. | Apartment House and Multiple Family Dwellings | Negotiable | Negotiable | |
| | Billed to Individuals | Same as a. | Same as a. | Same as a. |
| c. | Buried Service when Aerial Service is Available | Time and Material | Same as a. | Same as a. |
| d. | Premium T.V. Charges (HBO) | $15.00 | $9.95 | |
| e. | Special Underground | Time and Material | | |
| f. | Raising & Lowering Cables to Permit House or Building Moves, etc. | Time and Material | | |
| g. | Cable Severance Charge Per Strand Cut | Time and Material | | |

RATES (cont.)

| | | |
|---|---|---|
| h. | Additional Material for Temporary Service | Time and Material |
| i. | Cable antenna switching device (as specified in Section XII.A.7.) | Time and Material |

**May be waived or reduced at the discretion of the Company.

2. Extraordinary Installation Rates: The Grantee's installation rates for all commercial facilities except hotels and motels, shall be determined by negotiation between the Grantee and commercial subscriber. Where a dwelling unit of a residential subscriber is more than 200 feet from the nearest feeder line, the Grantee shall provide the additional labor and material at cost to the subscriber.

3. Effective July 1, 1982, and until such time that a subscriber is activated to the 35 channel system, the following rates shall be effective:

| | |
|---|---|
| Residential Subscriber First Outlet (basic service) | $ 6.95 monthly |
| Additional Outlet (each) | 2.00 " |
| First Outlet Connection (each) | 15.00 " |
| Additional Outlet Connection (each) | 10.00 |
| Reconnection | 10.00 |
| Relocate | 10.00 |
| Collection at Door | 10.00 |

SECTION XIX

RATES

2. Review of Basic Rates - The Commissioners shall review and approve or disapprove an increase or decrease of base rates on the basis of what is fair to the consumer and fair to the system operator. Such review shall include, but not be limited to, the following factors: compliance of the operator in abiding by the terms of the franchise; the quality of the service, efficiency of the operator revenues and profits from all services offered; and a fair rate of return on investments having corresponding risk. The value of the franchise, good will, and the value of the going concern shall not be amortized as an expense and a return shall not be paid on any of these values.

3. Rate Change for Basic Service - Beginning with the 12th month following the date of the franchise execution, the Grantee shall be permitted a basic rate adjustment once for each succeeding twelve (12) month period for the life of the franchise, provided the following conditions are met:

   a. Grantee shall give the Commissioners thirty (30) days prior notification of intent to adjust rates.

   b. A schedule of the proposed adjusted rates is submitted to the Commissioners with notification.

   c. The adjustment shall not be in excess of the amount equal to seventy percent (70%) of the percentage increase of the Pittsburgh Area Consumer Price Index for the twelve (12) months preceding the effective date of the proposed adjustment.

   The Grantee's right to raise basic subscriber rates without prior approval of the Commissioners shall be limited for the life of the franchise to an amount which does not exceed thirty percent (30%) of the base rate. The base rate being defined as the initial rate (7.95) agreed to by the Commissioners and the Grantee or any subsequent base rate approved by the Commissioners. Changes in basic subscriber rates which exceed the parameters described herein or fall short of the amount of time required to elapse prior to a rate adjustment, shall require the Commissioners approval before implementation. There shall be no regulations of charges other than the monthly service charge for basic service. The Grantee shall not deny, delay, interrupt, or terminate cable services or the use of community access facilities to subscribers or use because the Commissioners denies a request for an increase in the base rate. There shall be no increases in the initial rates, as fixed herein, for a minimum of twelve (12) months following the execution of the franchise agreement.

RATES (cont.)

4. Schedule of Rates - The Grantee shall anually file with the Township a full schedule of all subscriber and user rates and all other charges such as, but not limited to, Pay TV, lease channel and discrete services made in connection with the system. Any special rates for large institutions, motels, multiple-family dwelling units, or any other type of subscriber shall be included. All rates shall be published and non-discriminatory.

5. Nothing in this franchise shall prohibit the reduction or waiving of charges in conjunction with promotional campaigns for the purpose of attracting subscribers or users.

6. Advance Charges and Deposits - A Grantee may require all subscribers to pay for each month of basic service in advance at the beginning of each month.

RATES (cont.)

7. Disconnection - There shall be no charge for disconnection of any installation or outlet.

   a. If any subscriber fails to pay a properly due monthly subscriber fee, or any other properly due fee or charge, the Grantee may disconnect the subscriber's service outlet, providing that the Grantee has notified the subscriber.

8. Refunds to Subscribers and Users

   a. If the Grantee collects a deposit on any service requested by a subscriber or user, the Grantee shall provide such service within thirty (30) days or refund within the next five (5) days all deposits or advance charges paid for the service in question by said subscriber or user. This provision does not alter a Grantee's responsibility to subscribers and users under any contractual agreements separate from this franchise the Grantee might have with subscribers or users to relieve a Grantee of liability for fines under this franchise that may be assessed by the Township or damage that might result to the Township or any subscriber because of a Grantee's failure to provide a service promised.

   b. If a subscriber terminates basic service prior to the end of a prepaid period, a pro-rated portion of any prepaid subscriber service fee, using the number of days as a basis, shall be refunded to the subscriber by a Grantee.

9. Rates charged for additional services shall be consistent with F.C.C. regulations and in conformance with the agreement.

10. Upon completion of the rebuild and notification each existing subscriber shall have thirty (30) days in which to subscribe to the service with no connection or reconnection fee. If not, the subscriber will be subject to all fees as outlined in Section XIX.

SECTION XX

## REPORTS

A. Annual Report

1. Upon request, the Grantee shall at the close of its fiscal year, submit a written report to the Township which shall include, but not be limited to:

   a. A summary of the previous year's activities in development of this system, including but not limited to services begun or dropped, subscribers gained or lost;

   b. A financial statement including a statement of income, a balance sheet, and a statement of sources and applications of funds;

   c. A summary of service calls and letters of complaint, identifying the number and nature of problems and their disposition.

      1. Upon request, names of individual complainants may be requested by the Township for the purposes of ascertaining the specifics of individual complaints.

   d. A list of officers and members of the board of the Grantee and the parent corporation.

   e. A list of all stockholders holding three (3%) percent or more of the voting stock of the Grantee and the parent corporation; and

   f. Copies of the annual F.C.C. proof of performance.

SECTION XXI

## INSURANCE AND INDEMNITY

A. Indemnification of the Township in Franchise Operation - It shall be expressly understood and agreed by and between the Township and the Grantee that the Grantee shall save the Township and its agents and employees harmless from and against all claims, damages, losses and expenses, including attorney's fees sustained by the Township on account of any suit, judgement, execution, claim or demand whatsoever arising out of but not be limited to infringements and all other damages arising out of the installation, operation or maintenance of the CATV system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by the agreement and the franchise granted thereunder.

B. Reimbursement of Costs - The Grantee shall pay and, by its acceptance of the franchise agreement hereunder, agrees that it will pay all expenses incurred by the Township for the successful defense of itself with regard to all damages and penalties mentioned herein. These expenses shall include all out-of-pocket expenses, such as consultants' or attorney fees, and shall also include the reasonable value of any services rendered by the Township Solicitor or his staff or any other employee of the Township as determined by the Township.

C. Public Liability Insurance - The Grantee shall maintain, and by its acceptance of the franchise granted hereunder, aggrees that it will maintain throughout the term of the franchise, any extensions thereof, or as required in the agreement a general comprehensive liability insurance policy naming as the additional insured the Township, its officers, boards, commissions, agents and employees, in a company approved by the Township Solicitor and in a form satisfactory to the Township Solicitor protecting the Township and all persons against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of the Grantee under the franchise granted hereunder, in the amount of (a) $500,000 for bodily injury or death of any one person, within the limit, however of $1,000,000 for bodily injury or death resulting from any one accident, and (b) $500,000 for property damage resulting from any one accident.

D. The parent Company warrants that it will replace or repair any damaged self owned property which is not covered by insurance.

E. Notice of Cancellation or Reduction of Coverage - The insurance policies mentioned herein shall contain an endorsement stating that the policies are extended to cover liability assumed by the Grantee under the terms of this franchise and shall contain the following endorsement: This policy shall not be cancelled nor coverage reduced without 30 days written notice given by the insurance carrier to the Township of Wilkins.

INSURANCE AND INDEMNITY (cont.)

Cancellation or reduction of any requirement for insurance herein shall be termed default of this franchise and subject to the Grantee to termination of the franchise as provided herein.

F. Evidence of Insurance Filed with the Township Solicitor - All policies of insurance or certified copies thereof and written evidence of payment of required premium, shall be filed and maintained with the Township Solicitor during the term of the franchise granted hereunder or any removal therof. Such filing shall take place within five (5) working days of receipt of said documents by the Grantee.

G. No Waiver of Performance Bond - Neither the provisions of this ordinance nor any insurance accepted by the Township pursuant hereto, nor any damages recovered by the Township thereunder, shall be construed to excuse faithful performance by the Grantee or limits the liability of the Grantee under the franchise issued hereunder or for damages, either to the full amount of the bond or otherwise.

H. Automobile Insurance - The grantee shall carry automobile insurance with limits of not less than $500,000/$1,000,000 of public liability coverage and automobile property damage insurance with a limit of not less than $250,000 covering all automobile equipment.

SECTION XXII

## CONDITIONS OF OCCUPANCY OF PUBLIC WAYS

A. Use of Streets, Pole Attachments

1. Approval of Proposed Construction - The Grantee shall first obtain the approval of the appropriate Township agency prior to commencing construction of the streets, alleys, public grounds or places of the Township. Applications for approval of construction shall be in a form provided by the appropriate Township agency. The Grantee shall give the appropriate Township agency written notice of proposed construction at least ten (10) days prior to such construction. Any construction in the Township right-of-way given to the Grantee by the Township defining the area and the specific purpose of right-of-way.

2. Excavation Permits - The Grantee shall not open or disturb the surface of any street, sidewalk, driveway or public place for any purpose without first having obtained a permit to do so.

3. Changes Required by Public Improvements - The Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the Grantee when required by the Township by reason of traffic conditions, public safety, street excavation, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, Township owned power or signal lines, and tracts of any other type of structure or improvement by public agencies.

4. Use of Existing Poles or Conduits - Nothing in this franchise granted hereunder, shall authorize the Grantee to erect and maintain for the Township, new poles where existing poles are servicing the area. The Grantee shall obtain permission from the appropriate Township agency before erecting any new poles or underground conduit where none exist at the time the Grantee seeks to install his network.

5. Facilities Not to be Hazardous or Interfere - The Grantee shall keep and maintain all wires, conduits, cables and other property and facilities in good condition, order and repair. The Grantee shall keep accurate maps and records of all its facilities and furnish copies of such maps and records as requested by the appropriate Township agency in accordance with the provisions of this agreement. A grantee shall not place poles or other equipment where they will interfere with the rights of reasonable convenience of adjoining property owners, or with any gas, electric, or telephone fixtures. Nor shall they be placed in the right-of-way between the roadway and the property, except as approved by the appropriate Township agency.

CONDITIONS OF OCCUPANCY OF PUBLIC WAYS (cont.)

6. Method of Installation - All wires, cables, amplifiers and other property shall be constructed and installed according to F.C.C. standards governing construction and installation of CATV systems. All cables and wires shall be installed parallel with existing telephone and electric wires whenever possible. Multiple configurations shall be arranged in parallel and bundled, in accordance with engineering and safety considerations as mandated by the F.C.C. All installations shall be underground in those areas of the Township where public utilities providing both telephone and electric service are underground at the time of installation. In areas where either telephone and electric utility facilities are above ground at the time of installation, the Grantee may install its service above ground with the understanding that at such time those facilities are required to be replaced underground by the Township, the Grantee shall likewise place its service underground.

7. Protection of Facilities - Nothing contained in this section shall relieve any person, company or corporation from liability arising from injury to the Grantee's facilities while performing any work including, but not limited to grading, regrading, or changing the line of any street or public place or with the construction or reconstruction of any sewer or water system.

8. Notice of Township Improvements - The appropriate Township agency shall give Grantee reasonable notice of not less than ten (10) working days of plans for street improvements where paving or resurfacing of a permanent nature is involved. The notice shall contain the nature and character of the improvements, the streets upon which the improvements are to be made, the extent of the improvements and the work schedule for the project. The notice shall give the Grantee sufficient time to make additions, alterations, or repairs to its facilities as it deems necessary in advance of the actual commencement of the work, so as to permit the Grantee to maintain continuity of service.

CONDITIONS OF OCCUPANCY OF PUBLIC WAYS (cont)

9. Requests for Removal or Change - The Grantee shall, on the request of any person holding a building moving permit, temporarily raise or lower its wires to permit the moving of said buildings. The expense of such temporary removal, raising or lowering of wires, shall be paid by the person requesting the same, and the Grantee shall have the Authority to require such payment in advance. The Grantee shall be given not less than five (5) days notice of any move contemplated to arrange for temporary wire changes.

10. Authority to Trim Trees - The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and other public areas of the Township so as to prevent the branches of such trees from coming in contact with the wires and cables of the company. All trimming is to be done under the supervision and direction of the appropriate Township agency after the explicit prior written notification and approval of the Township and at the expense of the Grantee. The Grantee may contract for such services, however, any firm or individual so retained shall receive Township approval prior to commencing such activity.

11. The Township specifically reserves the right to vacate any right-of-way it has or has given notwithstanding the existence of CATV construction equipment or service lines within any such right-of-way. In the event any such right-of-way is so vacated the Grantee at its own cost and expense shall obtain and provide alternate means of providing service to subscriber.

12. The Grantee shall keep accurate complete and current maps and records of its system and facilities and shall furnish as soon as they are available one (1) complete copy of such maps and records to the Township.

13. One (1) permit shall be issued by the Township to cover all underground work required for the initial rebuild to thirty-five (35) channel system. The fifty thousand ($50,000) dollar bond as required in the Section XI-A-1 will cover the underground work necessary to accomplish said rebuild.

SECTION XXIII

## MISCELLANEOUS

A. If any word, section, sentence, paragraph, clause or phrase of this franchise is held invalid or unconstitutional provision shall not affect any other part of this franchise which shall remain in full force and effect.

B. Sale or Repair of Television Equipment

1. If the Grantee, or any subsidiary, parent or affiliate corporation of the Grantee is engaged in the business or actively selling, leasing, repairing or installing television sets or radio receivers, cameras, audio or video tape machines, microphones, control boxes, modulators or other television production equipment utilized by users or subscribers in the operation of any cable television system, the Grantee shall not condition cable television service or the continuation thereof or usage of community access facilities on a subscriber's purchase or lease of, or failure to lease or purchase, any of such services or equipment.

C. Incorporation of Regulations

1. This document hereby incorporates by reference all orders, rules and/or regulations of the Federal Communications Commission or other Federal or State Agencies applicable to a Cable Television System and such other orders, rules, and/or regulations as any such Agency or agencies may from time to time adopt. Such regulations shall be a part of this documant as though the same were fully set forth at length herein. In the event any such Agency ceases to exist or revokes any applicable orders, rules, and/or regulations, the said orders, rules and/or regulations shall continue to apply to the Grantee and this franchise document unless also revoked by the Township of Wilkins. In the event any such Agency ceases to exist the Township of Wilkins shall be the Agency to which application should be made for any required approval or certification.

SECTION XXIII

MISCELLANEOUS (cont.)

D. No right of Automatic Renewal

1. There shall be no automatic renewal of the franchise rights granted thereunder.

E. Contract Documents and Acceptance

1. The documents constituting the franchise agreement shall be:

a. This franchise

b. Motion of the Township of Wilkins awarding the franchise as contained in the official minutes of the public meeting where the franchise was awarded.

c. Other applicable documents as may be agreed upon by the Grantee and the Township of Wilkins.

F. F.C.C. Applications and Waivers

1. The Grantee shall apply to the F.C.C. for any permits, including appropriate waivers or other required Federal approval, and otherwise comply fully with the F.C.C. Regulations and Federal Law to obtain such permits and waivers within sixty (60) days of the Grantee's execution of the franchise agreement.

G. Notices

1. Every direction, notice or order to be served upon the Grantee shall be sent by certified mail to the General Manager at the Monroeville Business Office and to the officers located at, 160 Inverness Drive West, Englewood, Colorado 80112. The mailing of such notice, direction or order shall be equivalent of address personal notice, direction or order.

H. The Grantee agrees to reimburse the Township an amount not to exceed $1,500,000 for legal expenses and advertising. Said amount will be subject to the Township providing invoices for subject services.

SECTION XXIV

A. The Agreement between the Township of Wilkins and Shows, Inc., dated November 8, 1976 is cancelled and voided as of the date this agreement takes effect.

This Agreement, including Appendix I and Exhibits A and B attached hereto and made parts hereof, is entered into by and between the proper officers of the Township of Wilkins pursuant to the authority contained in Ordinance No. 691 and enacted July 12, 1982, and the proper officers of SHOWS, INC. on this 12th day of July, 1982.

THE TOWNSHIP OF WILKINS

By Joseph J. Dauberaky
Pres. Board of Commissioners

ATTEST:

Wilmer K. Baldwin
TOWNSHIP SECRETARY

(SEAL)

ACCEPTED THIS _____ day of _____, 1982

SHOWS, INC., T/D/B/A VALLEY CABLE TV COMPANY

By
Thomas W. Binning
Vice President
SHOWS, INC.

ATTEST:

M. L. Jenks
Assistant Secretary

(SEAL)

APPENDIX I

WILKINS TOWNSHIP CATV FRANCHISE ORDINANCE

A. The Grantee will provide twenty-four (24) hour answering service for the purpose of answering customer inquiries. During non business hours there shall be qualified technical personnel on standby and shall respond to outages as follows:

1. If three (3) or more subscribers within the same area are without service before midnight. All other isolated outage calls will be promptly responded to during the next regular business day.

2. In the event of a total system outage technical personnel will respond twenty-four (24) hours a day.

3. The Grantee will diligently work with Centre Video in an effort to ultimately interface all schools within the Woodland Hills School District.

EXHIBIT A

Listed below is the initial proposed signal coverage not necessarily in the order as listed.

1. Future Service
2. KDKA Pgh/CBS
3. RESERVED
4. WTAE Pgh/ABC
5. LOCAL WEATHER
6. WJAC Johnstown/NBC
7. WTFR Wheeling/CBS
8. AP NEWS/FINANCIAL
9. WTOV Steubenville/ABC
10. ACSN
11. WPXI Pgh/NBC
12. Community Bulletin Board
13. WQED Pgh/PBS
14. CNN/Cable news Network
15. C-SPAN
16. WQEX Pgh/ETC
17. WTBS Atlanta
18. USA Network
19. RESERVED
20. Home Box Office (HBO)
21. ESPN/SPORTS Network
22. WPTT Greensburg/Independent
23. Nickeledeon/Childrens Channel
24. PTL/People That Love
25. Christian Broadcasting Network
26. Inter-Community Programming
27. Educational Programming
28. Government
29. WOR-9 New York
30. WPBC-40 Pgh.
31. Library
32. Community Programming
33. 24 Hour Weather
34. WUAB-43 Cleveland
35. WPGH-53 Pgh.

This listing is subject to realignment or substitution

EXHIBIT B

FM Guide Listing

| Station | | Format | Dial Setting |
|---|---|---|---|
| WRCT | Pittsburgh | Diverse | 88.7 |
| WQED | Pittsburgh | cultural | 89.7 |
| WDUQ | Pittsburgh | Diverse | 90.1 |
| WYEP | Pittsburgh | Diverse | 90.9 |
| WVCS | California, Pa. | Rock | 91.9 |
| WPNT | Pittsburgh | Easy Listening | 92.5 |
| WJOI | Pittsburgh | Easy Listening | 93.3 |
| WPEZ | Pittsburgh | Contemporary | 94.1 |
| WXKX | Pittsburgh | Contemporary | 94.9 |
| WJPA | Washington, Pa. | Contemporary | 95.3 |
| WSHH | Pittsburgh | Easy Listening | 95.7 |
| WJNL | Johnstown, Pa. | Contemporary | 96.5 |
| WKWK | Wheeling, W.Va. | Contemporary | 97.3 |
| WLER | Butler, Pa. | Easy Listening | 97.7 |
| WWKS | Beaver Falls, Pa. | Contemporary | 98.1 |
| WPIT | Pittsburgh | Religious | 98.5 |
| WPOR | Uniontown, Pa. | Contemporary | 99.3 |
| WDVE | Pittsburgh | Rock | 100.1 |
| WYDD | Pittsburgh | Rock | 101.1 |

EXHIBIT B

FM Guide (cont.)

| | | | |
|---|---|---|---|
| WVAW | Morgantown, W. Va. | Contemporary | 101.9 |
| WNUF | New Kensington, Pa. | Big Band | 102.9 |
| WRKY | Steubenville, O. | Top 40 | 103.5 |
| WLSW | Scottdale, Pa. | Contemporary | 103.9 |
| WELA | East Liverpool, O. | Country | 104.3 |
| WDSY | Pittsburgh | Country | 105.5 |
| WFFM | Braddock, Pa. | Contemporary | 106.3 |
| WOKU | Greensburg, Pa. | Country | 107.1 |
| WANJ | Wheeling, W. Va. | Easy Listening | 107.5 |

SECTION II. If any section, sentence, clause or phrase of the ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the ordinance, and any portions in conflict are hereby repealed.

SECTION III. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance and, specifically, Ordinance No. 608 be and the same hereby are repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of July, 1982.

THE TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Oliver K Baldwin

BIBLIOTECA NACIONAL

ORDINANCE NO. 692

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING CONDITIONS OF APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT BY ED GEANS, INC. BY PERMITTING THE ERECTION OF A MAINTENANCE BUILDING WITHIN SAID DEVELOPMENT.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Approval of the Planned Residential Development heretofore granted to Ed Geans, Inc. by the Board of Commissioners of the Township of Wilkins is hereby amended to permit the erection of a one-story maintenance building solely for use in the storing of machinery, supplies and equipment used in connection with maintenance of the buildings and grounds within the said Development; said building to be thirty by forty feet in area and to be located on the ground as shown in the plot plan submitted by Ed Geans, Inc. dated January 20, 1982, which plan is incorporated herein by reference thereto and which may be examined in the office of the Township Secretary at 110 Peffer Road, Wilkins Township, Allegheny County, PA.

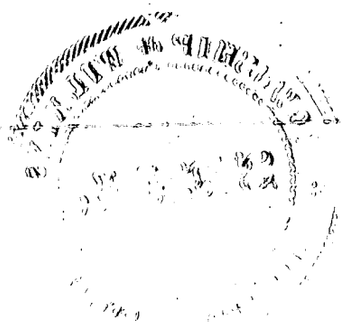
ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of July, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky,
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary



ORDINANCE NO. 693

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING THE PRACTICE OF SOLICITATION IN THE TOWNSHIP, PROVIDING LICENSES THEREFORE AND PROVIDING FOR FINES AND PENALTIES IN CASES OF VIOLATION.

**ORDINANCE NO. 683**

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING THE PRACTICE OF SOLICITATION IN THE TOWNSHIP, PROVIDING LICENSES THEREFORE AND PROVIDING FOR FINES AND PENALTIES IN CASES OF VIOLATION.

The purpose of this Ordinance is to control and correct certain conditions connected with the activities of persons entering upon private residential properties for the purpose of soliciting, as herein defined, the Board of Commissioners having first determined that soliciting can and does lead to crime, fraud and invasion of the privacy of Township residents in the quiet enjoyment of their homes before and after normal working hours. The Ordinance also is designed to prevent similar abuses by transient merchants.

The Township of Wilkins Ordains as Follows:

**SECTION I. Definitions.**

When used in this Ordinance, the following terms shall have the following meanings:

Solicitor. Shall include any person:

(a) who goes from private house to house, conveying or transporting goods, wares or merchandise, or offering or exposing the same for sale or making sales or delivering articles, goods, wares or merchandise to purchasers;

(b) who goes from private house to house, soliciting or attempting to take orders from individuals for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever, for future delivery, or for service to be performed at that time or in the future, whether or not such individual has, carries or exposes

for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders;

(c) who goes from private house to private house soliciting donations or money for themselves or for any organization for any purpose, whether or not anything of value is given in return.

Transient Merchant. Shall include any person, who temporarily and for a short time hires, rents or obtains a definite place of business, whether a storeroom or a market stand, or a private residence, for the sale of goods, wares, merchandise or to offer or expose the same for sale or for future delivery and sale. (Temporarily and short time shall be construed as three (3) months or less.)

Charitable Organization. An organization which has been granted an exemption by the United States Internal Revenue Service under Section 501(c) or Section 509(a) of the Internal Revenue Code.

**SECTION II. Exemptions.**

The terms of this Ordinance shall not be held to include the acts of merchants or their employees or agents in delivering goods or services in the regular course of business; nor shall it apply to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

**SECTION III. License Required.**

It shall be unlawful for any solicitor or transient merchant, as defined in Section I of this Ordinance to engage in any such business within the Township of Wilkins

without first obtaining a license therefor in compliance with the provisions of this Ordinance.

**SECTION IV. Application.**

A. Applicants for a license under this Ordinance must file with the Police Department of the Township an application in writing on a form to be furnished by the Township, which will give the following information:

(1) Name and physical description of applicant.

(2) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold or the organization on behalf of which funds are solicited.

(4) If employed, the name and address of the employer.

(5) The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof; and the proposed method of delivery.

(6) Two recent photographs of the applicant, which shall be approximately two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishable manner.

(7) A statement as to whether or not the applicant has been convicted of any felony or crime involving moral turpitude.

(8) Applications involving solicitation for a charitable institution shall be accompanied by a copy of the Grant of Exemption issued by the Internal Revenue Service.

B. This application completed as to all matters inquired of shall be turned over to the Police Department of the Township, together with the initial fee to cover the expenses of investigation, payable to the Township of Wilkins; said fee to be established by Resolution of The Board of Commissioners.

**SECTION V. Investigation and Issuance of License.**

A. Upon receipt of each application, it shall be immediately reviewed by the Police Department for accuracy.

B. If as a result of such review, the application is found to be true, the Chief of Police or his designate shall endorse on the application his approval and return the application to the Township Secretary or designate, who shall, upon payment of the prescribed initial license fee deliver to the applicant his or her license within twenty-four (24) hours after payment of the fee, provided that no license shall be issued to any convicted felon or person convicted of a crime involving moral turpitude.

C. Such license shall contain the signature of the issuing officer, and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods or organization involved, the amount of fee paid, the date of issuance and the expiration date, as well as the license number and other identifying description of any vehicle used in such licensed business. Each solicitor or transient merchant must secure an individual license. No license shall be used at any time by any person

other than the one to whom it is issued. The Township Secretary shall keep a permanent record of all licenses issued and those rejected.

**SECTION VI. Charitable Organization Fee Exemption.**

Solicitors for charitable organizations shall comply with the provisions of this Ordinance, but no application or license fee shall be charged.

**SECTION VII. Fees.**

Every applicant for a license as a solicitor or transient merchant under this Ordinance, shall pay a license fee as established by Resolution of The Board of Commissioners.

**SECTION VIII. Application to Business and Public Places; Restrictions on Time and Place.**

A. No licensee shall solicit at private residences on Sunday, nor before 9:00 A.M. or after 5:00 P.M. prevailing time, on weekdays.

B. No licensee shall solicit at any private residence exhibiting a sign reading "No Solicitors" or words of the same meaning.

C. Residents may erect "No Solicitors" or similar signs not to exceed one hundred twenty (120) square inches in size, which for the purposes of this Ordinance shall be conspicuously displayed near their entrance walk or doorway.

D. Solicitors may solicit at business properties in the Township during all business hours; and may solicit in Township streets and other public places from 9:00

A.M. prevailing time to sunset; provided that such solicitors obtain a license as required by this Ordinance and they shall be subject to all the other provisions of this Ordinance.

**SECTION IX. Exhibition of License.**

Licensees shall exhibit their license at the request of any resident or police officer.

**SECTION X. Revocation of Permit; Notice of Hearing.**

A. Licenses issued under the provisions of this Ordinance may be revoked by the Chief of Police or his designee with respect to such persons, after notice and opportunity for a hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or transient merchant.

(3) Any violation of this Ordinance.

(4) Conviction of any crime or misdemeanor involving moral turpitude.

(5) Conducting solicitation or business in an unlawful manner or in such a manner as to constitute a breach of the peace.

(6) Refusing to leave premises when asked to do so by the occupant.

B. Notice of the revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the opportunity for a hearing. Such notice shall be transmitted by certified mail, postage prepaid, to the permittee at his last known address.

**SECTION XI. Appeals.**

Any person aggrieved by the action of the Chief of Police or his designee in the denial of application approval as provided in Section V of this Ordinance, or in the action of the revocation provided in Section X of this Ordinance, shall have the right of appeal to the Board of Commissioners. Such appeal shall be taken by filing with the Board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Hearings shall be governed by the Local Agency Law.

**SECTION XII. Expiration of Permit.**

All permits expire on the date specified in the permit.

**SECTION XIII. Violations and Penalties.**

Any person, firm or corporation that shall violate any of the provisions of this Ordinance shall forfeit and pay to the Township for each and every separate offense a sum of not less than Fifty Dollars ($50.00) nor more than Three Hundred Dollars ($300.00), to be sued for and recovered as other fines and penalties are now by law recoverable, and in default of payment of the fine and costs of prosecution shall be committed to the county jail for a period not exceeding thirty (30) days.

**SECTION XIV. Severability.**

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid

or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall stand notwithstanding the invalidity of any part. Each days continuance of a violation shall constitute a separate offense.

**SECTION XV.** **Conflicting Ordinances Repealed.**

All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this NINTH day of AUGUST, 1982.

ATTEST: TOWNSHIP OF WILKINS

By William K Baldwin By Joseph J Domenichy

Secretary President of the Board of Commissioners

ORDINANCE NO. 694

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFORE, DEFINING THEIR POWERS AND DUTIES OF THE FIRE PREVENTION BUREAU, AND PROVIDING FINES OR PENALTIES FOR VIOLATION THEREOF.

ORDINANCE NO. 694

**AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFORE, DEFINING THEIR POWERS AND DUTIES OF THE FIRE PREVENTION BUREAU, AND PROVIDING FINES OR PENALTIES FOR VIOLATION THEREOF.**

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

**SECTION 1.** There is hereby adopted by the Township of Wilkins for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the BOCA Fire Prevention Code recommended by the Building Officials and Code Administrators International, Inc. (hereinafter BOCA Code), particularly the 1981 edition thereof and the whole thereof, save and except such portions of said BOCA Code as are inconsistent or in conflict with the provisions of this Ordinance; copies of the said BOCA Code have been and are now filed in the Office of the Secretary of the Township of Wilkins at 110 Peffer Road in said Township and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Township of Wilkins.

**SECTION 2.** The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention of the Township of Wilkins which is hereby established.

**SECTION 3.** The Bureau of Fire Prevention shall be operated under the supervision of the Fire Marshall and three Deputy Fire Marshalls which offices are hereby established.

(a) The Fire Marshall and Deputy Fire Marshalls shall be appointed by the Board of Commissioners upon recommendation of the fire companies of the Township of Wilkins for two year terms. They shall serve without compensation and may not be removed except for cause and after hearing before the Board of Commissioners.

(b) In the absence of the Fire Marshall or a Deputy Fire Marshall, in cases of emergency, the highest ranking company Fire Officer in whose jurisdiction the emergency occurs, is hereby empowered to act as a Deputy Fire Marshall with all the powers of that office until such time as the Fire Marshall or a Deputy Fire Marshall arrives at the scene.

**SECTION 4.** The duties of the Fire Marshall and the Deputy Fire Marshalls shall be as described in the Fire Prevention Code herein adopted.

(a) The Fire Marshall and Deputy Fire Marshalls may detail such members of the duly chartered Volunteer Fire Companies situate within the Township of Wilkins to perform inspections and report thereon as may from time to time be necessary.

**SECTION 5.** A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Township Secretary; it shall contain data re all proceedings under this Code, with such statistics as the Fire Marshall shall wish to enclose therein and

such recommendations for amendments to the Code which in the Fire Marshall's judgment, shall be desirable.

**SECTION 6.** There is hereby created the Fire Prevention Code Hearing Board which shall consist of three members appointed by the Board of Commissioners, one of whom shall be designated to serve until the first day of January following the adoption of this Ordinance, one until the first day of the second January thereafter, and one until the first day of the third January, thereafter. Their successors shall be appointed on the expiration of their respective terms to serve three years. The members of the Hearing Board shall be removable for cause, by the appointed authority after hearing.

**SECTION 7.** Whenever the Fire Marshall shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Marshall to the Fire Prevention Code Hearing Board within 30 days from the date of the decision appealed.

**SECTION 8.** (a) The limits referred to in section F-2701.2 of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the entire area of the Township of Wilkins.

(b) The limits referred to in section F-2903.1 of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as the entire area of the Township of Wilkins.

(c) The limits referred to in section F-2902.1 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as the entire area of the Township of Wilkins.

(d) The limits referred to in section F-3102.1 of the Fire Prevention Code, in which bulk storage of liquified petroleum gas is restricted, are hereby established as the entire area of the Township of Wilkins.

(e) The egress plan as required in section F-1604.5 of the BOCA Code shall contain one or more means of egress as defined in section F-201 of the BOCA Code; a public way as used in section F-201 shall mean any street, alley or other parcel of land in the outside air leading to a public street and having a clear width of not less than 10 feet.

(i) The public way shall be marked with fire lanes and shall not be obstructed at any time by motor vehicles or other objects; and

(ii) All evacuation plans or egress plans previously filed and approved which do not provide public ways shall be resubmitted to comply with this Ordinance.

**SECTION 9.** The Fire Marshall shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Marshall thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

**SECTION 10.** The Public Safety Committee and the Fire Marshall and his Deputies shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code.

**SECTION 11.** (a) Whenever the words "Municipality" or "Jurisdictions" are used in the Fire Prevention Code, it shall be held to mean the Township of Wilkins.

(b) Whenever the term "Legal Officer" is used in the Fire Prevention Code, it shall be held to mean the Township Solicitor.

(c) Whenever the words "Fire Official" are used in the Fire Prevention Code, they shall be held to mean the Fire Marshall and Deputy Fire Marshalls.

**SECTION 12.** (a) Any person, firm or corporation who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshall or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of an ordinance violation, punishable by a fine or penalty not less than $50.00 nor more than $300.00 and in default of payment of the fine or penalty and costs imposed, the violator may be sentenced and committed to the County Jail or Workhouse for a period not to exceed 30 days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects immediately on notice to do so, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**SECTION 13.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

**SECTION 14.** The Township of Wilkins hereby declares that should any section, paragraph, sentence, or word of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, all other portions of this Ordinance shall remain valid and in full force and effect.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 9th day of August, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dougherty
President of the Board of Commissioners

ATTEST:

William R. Boldemann
Secretary

# ORDINANCE NO. 695

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING TRAFFIC CODE ORDINANCE NO. 643 REGARDING WHERE FIRE LANES ARE ESTABLISHED.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. ORDINANCE 643 ARTICLE II SECTION 22 PARKING PROHIBITED AT FIRE LANES

Be amended by adding the following:

d. As posted at the Showcase Cinema 3455 William Penn Highway

3. Driveway in east parking lot running in a northerly direction from the William Penn Highway

SECTION II. ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 9th day of August, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 696

AN ORDINANCE OF THE TOWNSHIP OF WILKINS APPROPRIATING REAL ESTATE AND AN EASEMENT ON REAL ESTATE BEING A PORTION OF LOTS 415, 416, 417, 418 AND 419 TREVASKIS TERRACE, 2ND ADDITION, PLAN BOOK VOLUME 18, PAGE 172, IN THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, BY TOWNSHIP OF WILKINS FOR THE PURPOSE OF IMPROVING AND RE-CONSTRUCTING A WATER CHANNEL IN THE TOWNSHIP OF WILKINS; AUTHORIZING CONDEMNATION PROCEED-INGS, THE EXECUTION AND FILING OF ALL NECESSARY DOCUMENTS; FOR IMMEDIATE POSSESSION AND PRO-CEEDINGS TO ASCERTAIN DAMAGES FOR THE TAKING.

WHEREAS, Wilkins Township Commissioners deem it necessary and proper to appropriate and acquire by condemnation certain land hereinafter described in the Wilkins Township, Allegheny County, Pennsylvania, for the public purpose of improving and recon-structing a water channel in conformance with the provisions of the Township Code and the Eminent Domain Code, viz; Act of June 24, 1931, P.L. 1206, Art, XIX, 1901, et seq., as amended; 53 P.S. 56901, et seq., as amended, Act of June 22, 1964, P.L. 84, Art IV, 401, et seq., as amended, 26 PS 1-201, et seq., as amended.

THEREFORE, BE IT ORDAINED by the Township Commissioner, as follows:

SECTION I. Wilkins Township deems it necessary and proper to exercise the power of eminent domain conferred by the Statutes cited herein, for the public purpose of effect-uating the improvement and construction of a park and recreational facility in Wilkins Township.

SECTION II. Wilkins Township, pursuant to the provisions of the Township Code and the Eminent Domain Code, and in the manner provided by law for the exercise of such right, hereby takes, condemns, and appropriates for said public purposes the parcels of land described in Exhibit "A" attached hereto.

SECTION III. This condemnation is to effectuate the public purpose by improving, constructing and reconstructing a water channel.

ORDAINED AND ENACTED into law this 25th day of October, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 697

AN ORDINANCE OF THE TOWNSHIP OF WILKINS PROVIDING FOR REGULATIONS GOVERNING THE ENTRY UPON TOWNSHIP STREETS, PUBLIC PLACES AND PUBLIC WAYS BY PUBLIC UTILITY CORPORATIONS IN THE PLACEMENT, MAINTENANCE AND REMOVAL OF AERIAL, SURFACE AND SUBSURFACE PUBLIC UTILITY FACILITIES.

The Township of Wilkins, in accordance with the authority granted by the Act of July 20, 1968, P.L. 459, as amended (15 P.S. 1322), hereby ordains as follows:

SECTION I. No public utility corporation shall place, replace, or remove any aerial surface or subsurface public utility facility which requires a sub surface opening in any street surface or right of way in the Township street, places or ways without first applying for and obtaining a permit from the Building Officer of the Township of Wilkins.

SECTION II. Prior to the issuance of any permit, the public utility shall complete and execute a permit application which shall reasonably describe the facility involved, the location of same and the reason for the placement, replacement or removal of the facility. Permit fees shall be set by Resolution of the Board of Commissioners.

SECTION III. No facility which is located underground shall be relocated on or over the surface of the ground except upon a showing that such relocation is required by public health, safety or welfare.

No permit for this purpose shall be issued by the Building Officer except after approval of the Board of Commissioners after a public hearing.

SECTION IV. The Building Officer shall issue a permit in all other cases except when, after reasonable investigation by said officer, it appears that the proposed facility:

A. Will endanger the health or safety of motorists or pedestrians by reason of a location creating exposure to gas fumes, electric shock, impalement or explosion;

B. When the proposed location will interfere with the unobstructed view or motor vehicle operators at street intersections or curves;

C. Is located within seven feet of the cartway of any Township street.

SECTION V. Any person or corporation having standing so to do may request a hearing on the grant or refusal to grant a permit in which case the Board of Commissioners shall conduct a hearing under the Local Agency Law.

SECTION VI. Any person or corporation violating the provisions of this Ordinance shall, upon conviction, pay a fine to the Township for each and every separate offense, a sum of not less than $100.00 nor more than $300.00 and in default of payment of fine and costs of prosecution, shall be committed to the county jail for a period not exceeding thirty days. Each day's violation of this Ordinance shall constitute a separate offense.

SECTION VII. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall stand notwithstanding the invalidity of any part.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 8th day of November, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 698

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1983.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED by the Commissioners of Wilkins Township, County of Allegheny, Pennsylvania;

That a tax be and the same is hereby levied on all real estate property within the said municipality subject to taxation for the fiscal year 1983 as follows:

Tax Rate for general purposes, the sum of thirteen (13) mills on each dollar of assessed valuation, or the sum of one hundred thirty (130) cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

| | Mills on each Dollar of Assessed Valuation | Cents on each One Hundred Dollars of Assessed Valuation |
|---|---|---|
| Tax Rate for General Purposes | 13 Mills | 130 Cents |
| Total | 13 Mills | 130 Cents |

BE IT FURTHER ORDAINED AND ENACTED that any Ordinance or part of Ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this 27th day of December, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

BIBLIOTHÈQUE NATIONALE

# ORDINANCE NO. 699

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE YEAR 1983.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA:

SECTION I. That for the expenditures and expenses of the fiscal year 1983 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 1983 for the specific purposes set forth on the following pages:

Schedule A

## BUDGET SUMMARY—ALL BUDGETED FUNDS

| Account Number | Classification | Total All Budgeted Funds | Line No. |
|---|---|---|---|
| | **Assets** - January 1 1983 | 253,995. | 1 |
| | Cash (including checking, savings, certificates of deposit, money market funds, etc. | | 2 |
| | Accounts Receivable | | 3 |
| | Other Assets | | 4 |
| | Less Liabilities - January 1 | | 5 |
| | Accounts Payable (unpaid bills) | | 6 |
| | Other Liabilities | | 7 |
| | Less Fund Equity Reserves - January 1 1983 | 253,995. | 8 |
| | **Fund Equity** (sum of lines 2, 3, 4 less 6, 7, 8) - January 1 | | 9 |
| | **Revenues and Other Financing Sources** | | 10 |
| 300 | Taxes (from Schedule C) | 1,172,167. | 11 |
| 320 | Licenses and Permits | 5,600. | 12 |
| 330 | Fines and Forfeits | 19,100. | 13 |
| 340 | Interest, Rents, and Royalties | 27,000. | 14 |
| 350 | Intergovernmental Revenue | 281,164. | 15 |
| 360 | Charges for Services (Departmental Earnings) | 38,084. | 16 |
| 380 | Miscellaneous Revenues | 82,000. | 17 |
| 390 | Other Financing Sources | 242,100. | 18 |
| | **Total Revenues and Other Financing Sources** (sum of lines 11 thru 18) | 1,867,215. | 19 |
| | **Total Available for Appropriation** (sum of lines 9 and 19) | 2,121,210. | 20 |
| | **Expenditures or Expenses and Other Financing Uses** | | 21 |
| 400 | General Government | 251,333. | 22 |
| 410 | Public Safety (Protection to Persons and Property) | 640,456. | 23 |
| 420 | Health and Welfare | 27,300. | 24 |
| | Public Works— | | 25 |
| 426 | Sanitation | 131,926. | 26 |
| 430 | Highways, Roads, and Streets | 491,372. | 27 |
| 440 | Other | | 28 |
| 450 | Culture—Recreation | 12,010. | 29 |
| 460 | Conservation and Development | | 30 |
| 470 | Debt Service | 228,800. | 31 |
| 480 | Miscellaneous Expenditures or Expenses | 43,640. | 32 |
| 490 | Other Financing Uses TRANSFER CAPITAL RESERVE | 82,000. | 33 |
| | **Total Expenditures or Expenses and Other Financing Uses** (sum of lines 22 thru 33) | 1,908,837. | 34 |
| | **Assets** - December 31 | 2,121,210. | 35 |
| | Less Liabilities - December 31 | 1,908,837. | 36 |
| | Less Reserves - December 31 | 176,080. | 37 |
| | Unappropriated Fund Equity (line 35 less lines 36 and 37) | 36,293. | 38 |
| | **Total Appropriated and Unappropriated** (sum of lines 34 and 38) | 2,121,210. | 39 |

## BUDGET SUMMARY—ALL BUDGETED FUNDS

Schedule A

| Line No. | GOVERNMENTAL FUNDS | | | | | | |
|---|---|---|---|---|---|---|---|
| | | SPECIAL REVENUE FUNDS | | | | | |
| | General Fund (1) | Highway Aid Fund (35) | Revenue Sharing Fund (85) | Other Special Revenue Funds (02-05) | Other Governmental Funds | Proprietary Funds (06-09) | Fiduciary Funds (50-69) |
| 1 | | | | | | | |
| 2 | 64,886. | 42 | 1,307. | | 24,040. | | 163,720. |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | 64,886. | 42 | 1,307. | | 24,040. | | 163,720. |
| 10 | | | | | | | |
| 11 | 1,172,167. | | | | | | |
| 12 | 5,600. | | | | | | |
| 13 | 19,100 | | | | | | |
| 14 | 20,000. | | | | 3,000. | | 4,000. |
| 15 | 17,900. | 77,704. | 111,750. | | 34,810. | | 39,000. |
| 16 | 30,084. | | | | 8,000. | | |
| 17 | | | | | 82,000. | | |
| 18 | 179,100. | | | | 63,000. | | |
| 19 | 1,443,951. | 77,704. | 111,750. | | 190,810. | | 43,000. |
| 20 | 1,508,837. | 77,746. | 113,057. | | 214,850. | | 206,720. |
| 21 | | | | | | | |
| 22 | 251,333. | | | | | | |
| 23 | 577,456. | | | | 63,000. | | |
| 24 | 27,300. | | | | | | |
| 25 | | | | | | | |
| 26 | | | 85,512. | | 46,414. | | |
| 27 | 386,094. | 77,746. | 27,532. | | | | |
| 28 | | | | | | | |
| 29 | 12,010. | | | | | | |
| 30 | | | | | | | |
| 31 | 159,500. | | | | 69,300. | | |
| 32 | 13,000. | | | | | | 30,640. |
| 33 | 82,000. | | | | | | |
| 34 | 1,508,693. | 77,746. | 113,044. | | 178,714. | | 30,640. |
| 35 | 1,508,837. | 77,746. | 113,057. | | 214,850. | | 206,720. |
| 36 | 1,508,693. | 77,746. | 113,044. | | 178,714. | | 30,640. |
| 37 | | - | -- | | - | | 176,080 |
| 38 | 144. | -0- | 13. | | 36,136. | | |
| 39 | 1,508,837. | 77,746. | 113,044. | | 214,850. | | 206,720. |

POLICE PENS.

CAPITAL RES

SECTION II. That any ordinance conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED this 27th day of December, 1982.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

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LAW OFFICES

MARKEL, SCHAFER & MEANS, P.A.

JACOB A. MARKEL - 1896-1976
GERTRUDE F. MARKEL
MYRON B. MARKEL
SEYMOUR J. SCHAFER
JOHN M. MEANS
HARVEY I. GOLDSTEIN
CHARLES M. MEANS
WILLIAM L. STANG

OF COUNSEL
NATHAN HERSHEY

1120 GRANT BUILDING
PITTSBURGH, PA. 15219
(412) 281-6488

December 17, 1982

Dardnell Publications
610 Beatty Road
Monroeville, PA 15146

Att: Legal Ad Department

Gentlemen:

Please publish the enclosed Official Notice of the Township of Wilkins once a week for three weeks beginning with your publication of January 5, 1983.

As required, a full text of the Ordinance is enclosed. The full text of the Ordinance is for your files and not to be published.

Please send the bill to:

Wilmer K. Baldwin, Manager/Secretary
Township of Wilkins
110 Peffer Road
Turtle Creek, PA 15145

Very truly yours,

John M. Means

JMM/dk

cc: Wilmer K. Baldwin

For Feb meeting
copies
commissioners
FRK
VAD
+10

OFFICIAL NOTICE

TOWNSHIP OF WILKINS

**THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS HEREBY GIVES NOTICE OF INTENTION TO CONSIDER ADOPTION OF AN ORDINANCE PROVIDING FOR THE LICENSING OF MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES FOR THE PLAYING OF GAMES, AMUSEMENTS AND MUSIC BOXES IN THE TOWNSHIP OF WILKINS AND PROVIDING FOR A LICENSE FEE, REGULATIONS AND PENALTIES FOR VIOLATION THEREOF.**

The proposed rates are:

Mechanical, electrical, electronic or video device or combination thereof: $200.00 per device for each period of six (6) months or more each calendar year, and $100.00 for less than six (6) months each calendar year; and

Music box device: $100.00 per device for each period of six (6) months or more each calendar year, and $50.00 for less than six months each calendar year.

The amount of revenue estimated to be derived from the tax is $4,000.00 for the calendar year 1983.

In the judgment of the Board of Commissioners, the tax is necessitated by increased municipal costs in obtaining services, equipment and supplies and the likelihood of decreased revenues from real estate, earned income and other taxes.

The proposed ordinance will be considered for adoption by the Board of Commissioners at a public meeting to be held in the Municipal Building, 110 Peffer Road, Wilkins Township, Allegheny County, Pennsylvania at 7:30 P.M. on February 14, 1983.

The full text of the Ordinance may be examined at the Office of the Township Secretary at the Municipal Building as aforesaid.

BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WILKINS
WILMER K. BALDWIN, SECRETARY

ORDINANCE NO. 700

**AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE LICENSING OF MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES FOR THE PLAYING OF GAMES, AMUSEMENTS AND MUSIC BOXES IN THE TOWNSHIP OF WILKINS AND PROVIDING FOR THE LICENSE FEE AND PENALTIES FOR VIOLATIONS THEREOF.**

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meaning ascribed to them in this Section unless the context clearly indicates a different meaning:

(a) "Person" shall mean any individual, partnership, limited partnership, association, corporation, trust or estate. Whenever used in any section, the term "person" as applied to associations or partnerships shall mean the members or partners thereof, and as applied to corporations, the officers thereof.

(b) "Amusement" shall mean all manners and forms of entertainment, recreation or pastime, exhibitions, contests, displays and games.

(c) "Price" shall mean a monetary charge of any character received from the general public or a limited or selected number thereof, directly or indirectly, for the privilege of playing, viewing or hearing such mechanical, electrical or electronic device.

(d) "Secretary" shall mean the Secretary of the Township of Wilkins.

(e) "Township" shall mean the area within the corporate limits of the Township of Wilkins.

(f) "License year" shall mean the fiscal year beginning March 16, 1983 and ending at midnight December 31, 1983, and from thereon, shall mean the twelve-month period from January 1 through December 31.

(g) "Seasonal business" shall mean any business that is open to the general public for a period of time of less than six months out of the license year to conduct any type of business whatsoever whether it be retail or wholesale sales, services or recreational or any combination thereof.

(h) "Mechanical, electrical or electronic device" shall mean any machine or apparatus whatsoever utilizing gears, electrical current, circuits, electronic ions, rays or beams, computer chips, fuel or solar cells or any other technological methods, magnets or in a combination thereof, offered for an established price for the purpose of amusement, recreation or for games of skill and/or chance.

(i) "Music boxes" shall mean any mechanical device which, upon payment of a price whether it be by insertion of a coin, metal disc, slug, token or other form of monetary exchange, solely reproduces audio sounds.

(j) "Video devices" shall mean any mechanical device offered for a price to the general public or a select number thereof, which reproduces images from film, tape, discs or any other technological method. This definition does not include devices used in motion picture theatres or drive-in theatres as these nomenclature are commonly understood and whose principal business is to exhibit motion pictures by projecting images upon a screen to be viewed by a common audience at a scheduled time, but does include devices which are viewed at random by paying the established price, such devices may be commonly known as video juke boxes, peep shows or any other nomenclature.

SECTION 2. No person or persons shall at any time, offer to the general public, within the Township of Wilkins for a price, any mechanical, electrical or electronic device for the playing of games and amusements or music without first having procurred a license therefor as hereinafter provided by this Ordinance.

SECTION 3. LICENSE

On or after the effective date of this Ordinance, it shall be unlawful for any person or persons to offer to the general public, or a limited or selected number

thereof, mechanical,electrical or electronic devices, music boxes or video devices unless a mechanical device license shall have been issued.

SECTION 4. Any person or persons desiring to procure a mechanical device license shall apply therefor in writing to the Secretary of the Township of Wilkins.Said application shall set forth the name or names, the residence or residences of the person or persons desiring to procure said license, if the business is a ficticious name, in addition to the ficticious name, the applicant shall state the name and address of the owners and principal place of business. If the applicant is a corporation, the application shall state, in addition to the principal address of the corporation, the name and address of the Chairman of the Board, the Board of Directors and the President of the Corporation. If the officers of said corporation are changed, the corporation shall give immediate notice to the Township of Wilkins the name and address of the new officers. The applicant shall state the name of the owner of the premises upon which the aforesaid mechanical, electrical or electronic device, music boxes or video devices are to be used and installed, and if the owner of the premises is not the applicant, then the applicant shall state forth the length of time for which the premises has been leased. The applicant shall also set forth the nature and type of machine or machines to be installed and used together with the manufacturer's name and manufacturer's serial number. If the machine does not contain a manufacturer's serial number plate which is in clear view of the general public, then the applicant shall imprint a series of numbers for identification purposes upon said machine. The information heretofore required in the application shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

SECTION 5. No license shall be granted until a period of seven (7) days shall have lapsed from the date of application, during which time, the officials or employes of the Township of Wilkins may, at their discretion, investigate the facts set forth in the application. No license shall be transferable from person to person or from premise to premise.

SECTION 6. This Ordinance shall not, in any way, be construed to authorize or permit any gambling devices whatsoever or any mechanisms that have been judicially determined to be a gambling device, or in any other way contrary to the law, or that may be contrary to any present or future laws of the Commonwealth of Pennsylvania, United States of America or Ordinance of the Township of Wilkins; nor shall the granting of a license be construed to authorize material, whether visual, audible or a combination of both, which may be construed to be pornographic in nature, which is prohibited by the laws of this Commonwealth, United States of America or of Ordinances of the Township of Wilkins.

SECTION 7. No license shall be issued until a fee, as hereinafter set forth, is paid annually to the Secretary of the Township of Wilkins for each and every mechanical or electrical or electronic device, music box or video device.

SECTION 8. LICENSE FEES

Each person offering mechanical, electrical or electronic devices, music box or video devices within the Township of Wilkins for a price, shall, at the time of making application for a mechanical device license, pay the fees in accordance with the following schedule:

## Regular Schedule

The regular schedule is applicable to mechanical, electrical or electronic devices, music boxes or video devices which are installed or offered to the general public or a selected number thereof, for a price upon the premises of an establishment which is open to the general public to do any type of business for a period six (6) montns or more out of a license year.

| Type | Fee |
|---|---|
| Mechanical, electrical or electronic Device | $200.00 per device |
| Video Device | $200.00 per device |
| Music Box Device | $100.00 per device |
| Combination of Devices | $200.00 per device |

## Seasonal Schedule

The seasonal schedule shall be applicable to any mechanical, electrical or electronic device, music boxes or video devices which are installed or offered to the general public or a selected number thereof, for an established price upon the premises which are open to the general public for any type of business for a period of time of less than six (6) months out of a license year.

| Type | Fee |
|---|---|
| Mechanical, electrical or electronic device | $100.00 per device |
| Video Device | $100.00 per device |
| Music Box Device | $ 50.00 per device |
| Combination of Devices | $100.00 per device |

The license fees heretofore mentioned shall not be pro-rated but shall remain the same for the whole or any portion of any one year. The test of which fee is applicable is not the length of time the aforesaid device may be upon the premises, but the length of time the business establishment is open to the general public for any type of business during the license year.

Licenses shall expire at midnight on December 31 of each year this Ordinance is in effect.

Licensees shall obtain new licenses for each device subject to a license fee and pay the required fee on or before January 31, of each year following a license expiration.

SECTION 9. ADMINISTRATION

The Township Manager shall designate Township employees to enforce this Ordinance and they shall have the following duties and powers of administration.

(a) To verify the information received from the applicant.

(b) To periodically visit establishments open to the general public or a select number thereof, to determine if all mechanical, electrical or electronic devices, music boxes or video devices are properly licensed.

(c) To periodically inspect the premises to insure compliance with ordinances of the Township of Wilkins and Allegheny County, Statutes of the Commonwealth of Pennsylvania, including regulations pursuant thereto, and the Laws of the United States of America. If violation of any ordinance, statute or law is found, the persons charged with enforcement shall issue a citation or file a complaint with the proper judicial authority.

SECTION 10. All licenses issued for a license year are for a specific mechanical device, music box or video device or a combination thereof, and for a

specific premise or location and are not transferable from premise to premise or from person to person. Any change in the premise or location of mechanical device licenses and/or the transfer of ownership of mechanical devices regardless of location requires a new license application and payment of license fees heretofore cited in Section 8.

PROVIDED, HOWEVER, a license issued for a license year may be transferred from one mechanical device of the same type to a substitute mechanical device of the same type as long as the premise or location, ownership and the total number of mechanical devices licensed to that premise or location does not change. Any additional mechanical devices or transfer from one premise to another premise which results in additional mechanical devices on said premise, or any tranfer of ownership shall require a new application and payment of the license fee as heretofore set forth.

SECTION 11. VIOLATION

Enforcement Personnel may put a lead or any other type of seal upon any device for which no license fee was paid for the license year, or for which an erroneous license fee was paid whether through mistake, error, misrepresentation or failure to pay or make application or any other reason. While said devices are under seal, the owner, proprietor, manager, or person in charge shall be severally and jointly responsible for any unlawful use of said sealed devices. All sealed devices shall not be offered for an established price until a valid license is issued and the fees paid thereon whereupon the seals shall be removed.

SECTION 12. DUTIES OF APPLICANTS AND LICENSEE

Every person who makes application for a mechanical device license and/or is granted a mechanical device license shall be legally responsible for the following:

(a) To insure that the business where such mechanical devices are located is

operated in a peaceful and orderly manner and not conducted in such a manner as to create a public or private nuisance.

(b) To insure that no noise, either from the mechanical devices or from the patrons or a combination of both, which can be heard solely by the ear, shall be transmitted or heard beyond the premises where the mechanical devices are located.

(c) To insure that none of the video devices exhibit obscene or pornographic matter.

(d) To prevent loitering of persons on or about the area which is under the control or ownership of the persons who operate, run or own the business or premise where the devices are housed.

(e) To be truthful on all information requested on the application.

(f) To inform the Secretary of the Township of any change in data or information provided on said application within ten (10) days after the said changes have occurred.

(g) To make annual application for said license and to pay the annual license fee.

(h) To comply with all the requirements of this ordinance.

SECTION 13. Licensees shall be given credit for any amount paid under Ordinance 150 when paid prior to the effective date of this Ordinance.

SECTION 14. This Ordinance is enacted under authority of Act 511 of 1965, The Local Tax Enabling Act.

SECTION 15. The tax imposed by this Ordinance shall go in effect thirty (30) days from the date of adoption of this Ordinance.

SECTION 16. The tax herein levied shall continue in force on a calendar year basis following December 31, 1983 without annual re-enactment.

SECTION 17. FINES AND PENALTIES

Whoever makes any false or untrue statements on his application, or fails or refuses to procure a Mechanical Device License or to pay the required fee when so required under this Ordinance; or fails to keep his Mechanical Device License conspicuously posted upon said device as required herein, or shall violate the duties of a licensee hereunder shall, upon conviction before any magistrate or court of competent jurisdiction be sentenced to pay a fine or not more than Three Hundred ($300.00) Dollars for each offense, and in default of payment of said fine, to be imprisoned in the Allegheny County jail for a period of not exceeding thirty (30) days for each offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof. Each day that a violation continues shall be considered a separate offense.

SECTION 18. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, word, phrase, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, words, phrases, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Township of Wilkins that this Ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, word, phrase, clause or section had not

been included herein. If the fee, or any portion thereof, imposed upon any person under the provisions of this Ordinance, shall be held by any court of jurisdiction to be in violation of the Constitution of the United States or the laws and Constitution of the Commonwealth of Pennsylvania, the decision of the court shall not affect nor impair the right to impose the fee or the validity of the fee so imposed upon any other persons as herein provided.

SECTION 19. Ordinance No. 150 and all ordinances or parts thereof, conflicting herewith be and the same are hereby repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14TH day of FEBRUARY, 1983.

ATTEST:

William R. Baldauf

TOWNSHIP OF WILKINS

By Joseph J. Dambesky
President of the Board of Commissioners

# OFFICIAL NOTICE

## TOWNSHIP OF WILKINS

**THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS HEREBY GIVES NOTICE OF INTENTION TO CONSIDER ADOPTION OF AN ORDINANCE PROVIDING FOR THE LICENSING OF MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES FOR THE PLAYING OF GAMES, AMUSEMENTS AND MUSIC BOXES IN THE TOWNSHIP OF WILKINS AND PROVIDING FOR A LICENSE FEE, REGULATIONS AND PENALTIES FOR VIOLATION THEREOF.**

The proposed rates are:

Mechanical, electrical, electronic or video device or combination thereof: $200.00 per device for each period of six (6) months or more each calendar year, and $100.00 for less than six (6) months each calendar year; and

Music box device: $100.00 per device for each period of six (6) months or more each calendar year, and $50.00 for less than six months each calendar year.

The amount of revenue estimated to be derived from the tax is $4,000.00 for the calendar year 1983.

In the judgment of the Board of Commissioners, the tax is necessitated by increased municipal costs in obtaining services, equipment and supplies and the likelihood of decreased revenues from real estate, earned income and other taxes.

The proposed ordinance will be considered for adoption by the Board of Commissioners at a public meeting to be held in the Municipal Building, 110 Peffer Road, Wilkins Township, Allegheny County, Pennsylvania at 7:30 P.M. on February 14, 1983.

The full text of the Ordinance may be examined at the Office of the Township Secretary at the Municipal Building as aforesaid.

BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WILKINS
WILMER K. BALDWIN, SECRETARY

ORDINANCE NO. 700

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE LICENSING OF MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES FOR THE PLAYING OF GAMES, AMUSEMENTS AND MUSIC BOXES IN THE TOWNSHIP OF WILKINS AND PROVIDING FOR THE LICENSE FEE AND PENALTIES FOR VIOLATIONS THEREOF.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meaning ascribed to them in this Section unless the context clearly indicates a different meaning:

(a) "Person" shall mean any individual, partnership, limited partnership, association, corporation, trust or estate. Whenever used in any section, the term "person" as applied to associations or partnerships shall mean the members or partners thereof, and as applied to corporations, the officers thereof.

(b) "Amusement" shall mean all manners and forms of entertainment, recreation or pastime, exhibitions, contests, displays and games.

(c) "Price" shall mean a monetary charge of any character received from the general public or a limited or selected number thereof, directly or indirectly, for the privilege of playing, viewing or hearing such mechanical, electrical or electronic device.

(d) "Secretary" shall mean the Secretary of the Township of Wilkins.

(e) "Township" shall mean the area within the corporate limits of the Township of Wilkins.

(f) "License year" shall mean the fiscal year beginning March 16, 1983 and ending at midnight December 31, 1983, and from thereon, shall mean the twelve-month period from January 1 through December 31.

(g) "Seasonal business" shall mean any business that is open to the general public for a period of time of less than six months out of the license year to conduct any type of business whatsoever whether it be retail or wholesale sales, services or recreational or any combination thereof.

(h) "Mechanical, electrical or electronic device" shall mean any machine or apparatus whatsoever utilizing gears, electrical current, circuits, electronic ions, rays or beams, computer chips, fuel or solar cells or any other technologic methods, magnets or in a combination thereof, offered for an established price fo the purpose of amusement, recreation or for games of skill and/or chance.

(i) "Music boxes" shall mean any mechanical device which, upon payment of a price whether it be by insertion of a coin, metal disc, slug, token or other form of monetary exchange, solely reproduces audio sounds.

(j) "Video devices" shall mean any mechanical device offered for a price to the general public or a select number thereof, which reproduces images from film, tape, discs or any other technological method. This definition does not include devices used in motion picture theatres or drive-in theatres as these nomenclature are commonly understood and whose principal business is to exhibit motion pictures by projecting images upon a screen to be viewed by a common audience at a schec time, but does include devices which are viewed at random by paying the established price, such devices may be commonly known as video juke boxes, peep shows or any other nomenclature.

SECTION 2. No person or persons shall at any time, offer to the general public, within the Township of Wilkins for a price, any mechanical, electrical or electronic device for the playing of games and amusements or music without first having procurred a license therefor as hereinafter provided by this Ordinance.

SECTION 3. LICENSE

On or after the effective date of this Ordinance, it shall be unlawful for any person or persons to offer to the general public, or a limited or selected number

hereof, mechanical,electrical or electronic devices, music boxes or video devices unless a mechanical device license shall have been issued.

SECTION 4. Any person or persons desiring to procure a mechanical device license shall apply therefor in writing to the Secretary of the Township of Wilkins.Said application shall set forth the name or names, the residence or residences of the person or persons desiring to procure said license, if the business is a ficticious name, in addition to the ficticious name, the applicant shall state the name and address of the owners and principal place of business. If the applicant is a corporation, the application shall state, in addition to the principal address of the corporation, the name and address of the Chairman of the Board, the Board of Directors and the President of the Corporation. If the officers of said corporation are changed, the corporation shall give immediate notice to the Township of Wilkins the name and address of the new officers. The applicant shall state the name of the owner of the premises upon which the aforesaid mechanical, electrical or electronic device, music boxes or video devices are to be used and installed, and if the owner of the premises is not the applicant, then the applicant shall state forth the length of time for which the premises has been leased. The applicant shall also set forth the nature and type of machine or machines to be installed and used together with the manufacturer's name and manufacturer's serial number. If the machine does not contain a manufacturer's serial number plate which is in clear view of the general public, then the applicant shall imprint a series of numbers for identification purposes upon said machine. The information heretofore required in the application shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

SECTION 5. No license shall be granted until a period of seven (7) days shall have lapsed from the date of application, during which time, the officials or employes of the Township of Wilkins may, at their discretion, investigate the facts set forth in the application. No license shall be transferable from person to person or from premise to premise.

SECTION 6. This Ordinance shall not, in any way, be construed to authorize or permit any gambling devices whatsoever or any mechanisms that have been judicially determined to be a gambling device, or in any other way contrary to the law, or that may be contrary to any present or future laws of the Commonwealth of Pennsylvania, United States of America or Ordinance of the Township of Wilkins; nor shall the granting of a license be construed to authorize material, whether visual, audible or a combination of both, which may be construed to be pornographic in nature, which is prohibited by the laws of this Commonwealth, United States of America or of Ordinances of the Township of Wilkins.

SECTION 7. No license shall be issued until a fee, as hereinafter set forth, is paid annually to the Secretary of the Township of Wilkins for each and every mechanical or electrical or electronic device, music box or video device.

SECTION 8. LICENSE FEES

Each person offering mechanical, electrical or electronic devices, music box or video devices within the Township of Wilkins for a price, shall, at the time of making application for a mechanical device license, pay the fees in accordance with the following schedule:

## Regular Schedule

The regular schedule is applicable to mechanical, electrical or electronic devices, music boxes or video devices which are installed or offered to the general public or a selected number thereof, for a price upon the premises of an establishment which is open to the general public to do any type of business for a period six (6) months or more out of a license year.

| Type | Fee |
|---|---|
| Mechanical, electrical or electronic Device | $200.00 per device |
| Video Device | $200.00 per device |
| Music Box Device | $100.00 per device |
| Combination of Devices | $200.00 per device |

## Seasonal Schedule

The seasonal schedule shall be applicable to any mechanical, electrical or electronic device, music boxes or video devices which are installed or offered to the general public or a selected number thereof, for an established price upon the premises which are open to the general public for any type of business for a period of time of less than six (6) months out of a license year.

| Type | Fee |
|---|---|
| Mechanical, electrical or electronic device | $100.00 per device |
| Video Device | $100.00 per device |
| Music Box Device | $ 50.00 per device |
| Combination of Devices | $100.00 per device |

The license fees heretofore mentioned shall not be pro-rated but shall remain the same for the whole or any portion of any one year. The test of which fee is applicable is not the length of time the aforesaid device may be upon the premises, but the length of time the business establishment is open to the general public for any type of business during the license year.

Licenses shall expire at midnight on December 31 of each year this Ordinance is in effect.

Licensees shall obtain new licenses for each device subject to a license fee and pay the required fee on or before January 31, of each year following a license expiration.

SECTION 9. ADMINISTRATION

The Township Manager shall designate Township employees to enforce this Ordinance and they shall have the following duties and powers of administration.

(a) To verify the information received from the applicant.

(b) To periodically visit establishments open to the general public or a se[illegible] number thereof, to determine if all mechanical, electrical or electronic devices, music boxes or video devices are properly licensed.

(c) To periodically inspect the premises to insure compliance with ordinances of the Township of Wilkins and Allegheny County, Statutes of the Commonwealth of Pennsylvania, including regulations pursuant thereto, a[illegible] the Laws of the United States of America. If violation of any ordinance, statute or law is found, the persons charged with enforcement shall issue a citation or file a complaint with the proper judicial authority.

SECTION 10. All licenses issued for a license year are for a specific mechanical device, music box or video device or a combination thereof, and for

specific premise or location and are not transferable from premise to premise or from person to person. Any change in the premise or location of mechanical device licenses and/or the transfer of ownership of mechanical devices regardless of location requires a new license application and payment of license fees heretofore cited in Section 8.

PROVIDED, HOWEVER, a license issued for a license year may be transferred from one mechanical device of the same type to a substitute mechanical device of the same type as long as the premise or location, ownership and the total number of mechanical devices licensed to that premise or location does not change. Any additiona mechanical devices or transfer from one premise to another premise which results in additional mechanical devices on said premise, or any tranfer of ownership shall require a new application and payment of the license fee as heretofore set forth.

SECTION 11. VIOLATION

Enforcement Personnel may put a lead or any other type of seal upon any device for which no license fee was paid for the license year, or for which an erroneous license fee was paid whether through mistake, error, misrepresen tation or failure to pay or make application or any other reason. While said devices are under seal, the owner, proprietor, manager, or person in charge shall be several and jointly responsible for any unlawful use of said sealed devices. All sealed devices shall not be offered for an established price until a valid license is issued and the fees paid thereon whereupon the seals shall be removed.

SECTION 12. DUTIES OF APPLICANTS AND LICENSEE

Every person who makes application for a mechanical device license and/or is granted a mechanical device license shall be legally responsible for the following:

(a) To insure that the business where such mechanical devices are located is

operated in a peaceful a i orderly manner and not conducted in such a manner as to create a public or private nuisance.

(b) To insure that no noise, either from the mechanical devices or from the patrons or a combination of both, which can be heard solely by the ear, shall be transmitted or heard beyond the premises where the mechanical devices are located.

(c) To insure that none of the video devices exhibit obscene or pornograp matter.

(d) To prevent loitering of persons on or about the area which is under the control or ownership of the persons who operate, run or own the business or premise where the devices are housed.

(e) To be truthful on all information requested on the application.

(f) To inform the Secretary of the Township of any change in data or information provided on said application within ten (10) days after the said changes have occurred.

(g) To make annual application for said license and to pay the annual license fe

(h) To comply with all the requirements of this ordinance.

SECTION 13. Licensees shall be given credit for any amount paid under Ordinance 150 when paid prior to the effective date of this Ordinance.

SECTION 14. This Ordinance is enacted under authority of Act 511 of 1965, The Local Tax Enabling Act.

SECTION 15. The tax imposed by this Ordinance shall go in effect thirty (30) days from the date of adoption of this Ordinance.

SECTION 16. The tax herein levied shall continue in force on a calendar year basis following December 31, 1983 without annual re-enactment.

SECTION 17. FINES AND PENALTIES

Whoever makes any false or untrue statements on his application, or fails or refuses to procure a Mechanical Device License or to pay the required fee when so required under this Ordinance; or fails to keep his Mechanical Device License conspicuously posted upon said device as required herein, or shall violate the duties of a licensee hereunder shall, upon conviction before any magistrate or court of competent jurisdiction be sentenced to pay a fine or not more than Three Hundred ($300.00) Dollars for each offense, and in default of payment of said fine, to be imprisoned in the Allegheny County jail for a period of not exceeding thirty (30) days for each offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof. Each day that a violation continues shall be considered a separate offense.

SECTION 18. SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, word, phrase, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, words, phrases, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Township of Wilkins that this Ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, word, phrase, clause or section had not

been included herein. If the fee, or any portion thereof, imposed upon any person under the provisions of this Ordinance, shall be held by any court of jurisdiction to be in violation of the Constitution of the United States or the laws and Constitution of Commonwealth of Pennsylvania, the decision of the court shall not affect nor impa right to impose the fee or the validity of the fee so imposed upon any other persons as herein provided.

SECTION 19. Ordinance No. 150 and all ordinances or parts thereof, conflicting herewith be and the same are hereby repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14TH day of FEBRUARY, 1983.

ATTEST:

Wilmer R. Baldwin

TOWNSHIP OF WILKINS

By Jasper J. Dancosky
President of the Board of Commissioners

ORDINANCE NO. 701

TOWNSHIP OF WILKINS

ALLEGHENY County, Pennsylvania

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING A CAPITAL NOTE

WHEREAS, THE TOWNSHIP OF WILKINS (hereinafter the "Local Government Unit") deems it advisable to borrow NINETY THREE THOUSAND TWO HUNDRED 200 DOLLARS pursuant to the Local Government Unit Debt Act (herein the "Act") for the purpose of assisting in acquiring fire apparatus for #4 Volunteer Fire Department (hereinafter the "Project"); and

WHEREAS, the Local Government Unit/and #4 Volunteer Fire Department has obtained an estimate of the cost of the Project by taking quotations.

WHEREAS, said cost has been determined to be $ 153,000.00 of which $93,200. i to be financed by this note; and

WHEREAS, notice of the following ordinance has been duly advertised in accordance with Section 103 of the Act; and

WHEREAS, Pittsburgh National Bank (hereinafter the "Bank") has presented a written proposal to this meeting to purchase a note to be issued by the Local Government Unit;

NOW, THEREFORE, Be and it hereby is ordained and enacted that:

1. The indebtedness of the Local Government Unit be increased in the amount of NINETY THREE THOUSAND TWO HUNDRED (93,200) DOLLARS to be evidenced by the issuance of an installment note (herein the "Note") in the form of the Note presented to this meeting and incorporated into the minutes hereof as Exhibit N.

2. The debt to be incurred is non-electoral debt and is to be incurred to pay the costs of the Project, the useful life of which is 24 years.

3. Deleted/PNB, See Paragraph 12

4. The Local Government Unit accepts the proposal of the Bank to purchase the Note, at par. The Note will be dated the date of its delivery, will mature in the following installments on the following dates:

| Date | Amount |
|---|---|
| April 15, 1984 | 18,640.00 |
| April 15, 1985 | 18,640.00 |
| April 15, 1986 | 18,640.00 |
| April 15, 1987 | 18,640.00 |
| April 15, 1988 | 18,640.00 |
| | |
| | |
| | |

will bear interest at the rate of 9 % per annum on the unpaid balance, payable semi-annually, and will be redeemable at the option of the Local Government Unit at any time without premium or penalty.

5. The proposal of the Bank presented to this meeting shall be incorporated into the minutes hereof as Exhibit "B" and the proper officers of the Local Government Unit, namely the Pres. of the Bd of Comm & the Sec'y, are hereby authorized and directed to execute and deliver on behalf of and under the seal of the Local Government Unit an acceptance of said proposal.

6. The proper officers of the Local Government Unit, namely The President of th Bd of Comm'ers, and Secretary, are hereby authorized and directed to prepare, certify and file the debt statement required by Section 410 of the Local Government Unit Debt Act.

7. The Note shall be a general obligation of the Local Government Unit and the Local Government Unit hereby covenants with the holder, from time to time, of the Note that it will include the amount of the debt service for each fiscal year in which any installment of principal or interest is payable in its budget for that year, will appropriate such amounts to the payment of such debt service and will duly and punctually pay or cause to be paid the principal and interest on the Note on the dates and at the places and in the manner stated therein according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Local Government Unit hereby pledges its full faith, credit and taxing power.

8. Pittsburgh National Bank is hereby designated as the Sinking Fund Depository for the Note and there is hereby created a Sinking Fund for the payment of the principal and the interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer of the Local Government Unit shall deposit into the Sinking Fund sufficient amounts for payment of principal and interest on the Note no later than the date upon which such payments become due. The Sinking Fund Depository shall, without further action by the Local Government Unit withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the Note.

9. Upon approval of the Department of Community Affairs of the Commonwealth of Pennsylvania to issue the Note, the appropriate officer, namely the President, Board of Comm'ers, shall execute and affix the seal of the Local Government Unit to the Note and the Secretary shall attest the same and either or both officers shall deliver the Note to the Bank.

10. The proper officers of the Local Government Unit are hereby authorized and directed to do all acts necessary and proper for the issuance and securing the said Note.

11. This Ordinance shall be deemed to be a contract with the holders, from time to time, of the Note and the covenant contained in Section 7 hereof shall be specifically enforceable.

12. The note shall be sold at a private sale by negotiation, which sale is in the best financial interest of the local government unit.

ORDAINED AND ADOPTED by the Board of Commissioners at a public, additional stated meeting held this 28th day of February, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

CB-12 (Rev. 8-78)

# ORDINANCE NO. 702

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 TO FURTHER DEFINE AND REGULATE ACCESSORY USES IN THE RESIDENTIAL DISTRICTS.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. Article Three of Ordinance No. 542 is hereby amended to add a new section to be known as Section 8 and to read as follows:

SECTION 8: Accessory Uses in Residential Districts.

In all residential districts, accessory uses installed after the effective date of this Ordinance shall:

A. Be installed only in side or rear yards as defined in Article Six, and shall not exceed a height of eight feet when the use is a building except garages for motor vehicles which shall not exceed a height of twelve feet.

B. Be placed on the lot in conformance with the rear and side line footage requirements as set forth in Table 201, except when

C. The accessory use covers a ground area of less than one hundred forty-five square feet or involves a use which is not a building, in which case an accessory use may be installed in non-conformity with the side and rear line footage requirements when permitted as a special exception with such conditions as may be deemed appropriate by the Zoning Hearing Board.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 11th day of April, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 703

AN ORDINANCE OF THE TOWNSHIP OF WILKINS TO PROVIDE FOR THE PROTECTION OF THE PUBLIC HEALTH BY CONTROLLING OR PREVENTING THE SPREAD OF VECTOR BORNE DISEASES AND INFECTIONS BY THE ELIMINATION OF UNSANITARY CONDITIONS, ELIMINATION OF BREEDING AND HARBORAGE AREAS, BY EXTERMINATION OF THE VECTORS, AND BY VECTORPROOFING AND THE MAINTENANCE THEREOF IN A SANITARY AND VECTOR PROOFED CONDITION.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. This Ordinance shall be known as the "VECTOR CONTROL ORDINANCE."

SECTION II. DEFINITIONS: For the purpose of this ordinance the following definitions shall apply:

A. The term "vector" shall mean a rodent, arthropod, or insect capable of transmitting a disease or infection. Vectors shall include, but not be limited to, rats, mosquitoes, cockroaches, flies, ticks.

B. The term "vector proofing" shall mean a form of construction to prevent the ingress or egress of vectors to or from a given space or building or gaining access to food, water, or harborage. This term shall include, but not be limited to, rat proofing, fly proofing, mosquito proofing.

C. The term "breeding area" shall mean any condition which provides the accessary environment for the birth or hatching of vectors.

D. The term "Collection of water" considered in this ordinance shall be held to be those contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptables of any kind, or other containers or devices which may hold water.

E. The term "harborage" shall mean any place where vectors can live, nest, or seek shelter.

F. The term "extermination" shall mean the control and elimination of vectors by eliminating their harborage places, by removing making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging larviciding, trapping, or by any other recognized and legal vector control elimination methods approved by the local or state authority having such administrative authority.

G. The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of foods.

H. The term "refuse" shall mean all solid wastes, except body wastes, and shall include garbage, ashes, and rubbish.

I. The term "disposal" shall mean and include the storage, collection, disposal, or handling of refuse.

J. The term "rubbish" shall mean and include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.

K. The term "accessory structure" shall mean a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premise.

L. The term "dilapidated" shall mean fallen into partial ruin or decay.

M. The term "occupant" shall mean any person, over one (1) year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dewlling unit or a rooming unit; except that in dwelling units a guest will not be considered an occupant.

N. The term "owner" shall mean any person who, alone or jointly or severally with others:

1. Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual posession thereof, or

2. Shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

O. The term "municipality" shall mean the Township of Wilkins.

SECTION III. Prohibited Acts

A. It shall be unlawful for any person, firm or corporation to deposit any refuse, offal, pomace, dead animals, decaying matter, or organic substance of any kind in or upon any private lot, building, structure, accessory structure, premises, or in or upon any street, avenue, alley, parkway, ravine, ditch, gutter or into any of the waters of the Commonwealth so that same shall or may afford food, harborage, or breeding areas for rats, flies or other vectors.

B. It shall be unlawful for any person, firm, or corporation to deposit or permit to accumulate in or upon any premise, improved or vacant, or on any open lot, or alley, any lumber, boxes, barrels, bottles, cans, glass, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster, or rubbish of any kind, unless the same may be kept in approved covered receptacles or placed on open racks that are elevated not less than eighteen (18) inches above the ground, and evenly piled or stacked, or disposed of as may be approved by the Department of Environmental Resources.

C. It shall be unlawful to maintain a junk yard or a place for the dumping or wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind or for the storing or leaving of dilapidated, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons which said places may afford harborage or breeding areas for rats or other vectors.

D. It shall be unlawful to store refuse in containers other than those which shall be made of durable, watertight, rust-resistant material having a tight-fitting lid which must be kept on the container when in use. These containers must be kept clean by thorough rinsing as often as necessary so as not to provide food or breeding areas for flies.

E. It shall be unlawful to dump, burn, bury, destroy, or otherwise dispose of refuse except at an approved refuse disposal site.

F. It shall be unlawful to collect, haul, transport, or convey garbage in open, unenclosed, non-leakproof vehicles.

G. It shall be unlawful to construct, maintain, or use a sewage system, privy, urinal, cesspool, or other receptacle for human excrement so that vectors may have access to the excrementitious matter contained therein.

H. It shall be unlawful to permit weeds, or similar vegetation more than one foot high to remain standing in any vacant lot, yard, or other place except as may be approved by the municipality.

I. It shall be unlawful to have, keep, maintain, cause or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained so as effectually to prevent such breeding.

SECTION IV. Responsibilities of Owners and Occupants.

A. Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

C. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

Section Iv - C (continued)

Notwithstanding, the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

SECTION V. Vector Proofing

A. Any dwelling, building, structure, accessory structure, premise or any other place may be required to be vector-proofed when found to be providing harborage or breeding areas for rats, flies, mosquitoes, or any other vectors.

B. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber, or any other person to remove and fail to restore in like condition the vector proofing from any building, structure or accessory structure for any purpose.

SECTION VI. Plans and Specifications for Private Vector Control Programs.

A. A program plan and specifications for private vector control programs may be required to be sumbitted to the municipality as deemed necessary by the vector control program director. Said program plan shall be submitted by the owner or agent of the property on or in which said vector control program is or will be conducted. The program plan shall state the type of vectors to be controlled, the name of the company contracted to carry out the program, and any and all work to be conducted in an effort to control said vectors. If, after review of the program plan by the Vector Control Program Director, it is found to be inadequate or incomplete, additional information may be required as well as additional control methods.

SECTION VII. Authority to Abate Vector Problems.

A. From and after passage of this Ordinance, the municipality and/or a representative of the vector control program is empowered to make inspections of the interior and exterior of all dwellings, buildings, structures, and accessory structures, premises, collections of water, or any other places to determine full compliance with this Ordinance, and to determine evidence of vector infestation and the need for vector proofing or additions or repairs to existing vector proofing.

B. Whenever it shall be determined that any dwelling, building, structure, accessory structure, premise, collection of water, or any other place is in violation of this Ordinance, a notice shall be issued setting forth the alleged violations, and advising the owner, occupant, operator, or agent that such violations must be corrected. The time for the correction of said violations must be given as well as the necessary methods to be employed in the correction.

C. Whenever said violations shall fail to be corrected within the time set forth, and an extension of this time is not deemed to be necessary, the municipality may proveed to abate the said violations in the manner provided by the law.

SECTION VIII. Penalty

A. Any person, firm, or corporation who shall violate any provision(s) of this Ordinance shall upon conviction before any alderman or district Justice of the Peace be sentenced to pay a fine not exceeding three hundred dollars ($300.00) plus the cost of prosecution. Each day's violation shall constitute a separate offense. In default of the payment of such fine and costs, said person shall undergo imprisonment in the Allegheny County Jail for a period not to exceed ninety (90) days.

SECTION IX. Savings Clause

A. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional to any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION X. Repeal Clause

A. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance, are hereby repealed insofar as they are inconsistent with this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 11th day of April, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 704

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 676 TO PROVIDE FOR AN ADDITIONAL CONDITIONAL USE OF PROPERTY OWNED BY FAITH BIBLE BAPTIST CHURCH.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I: Section II of Ordinance No. 676 adopted on September 14, 1981 is hereby amended by adding thereto subsection (c) to read as follows:

(c) Use of a dwelling house erected on the premises in accordance with the applicable provisions of the Wilkins Township Zoning Ordinance and building and fire codes;

(i) Provided that said dwelling shall contain not more than three bedrooms and shall be used solely for occupancy by an employe of the Faith Bible Baptist Church and his or her family as defined in Section Section 601.a of Ordinance No. 542 - The Wilkins Township Zoning Ordinance.

SECTION II: Nothing herein shall be construed to prohibit the erection of an additional single family dwelling for use as a parsonage as more fully set forth in the Decision of the Board of Commissioners filed on the 25th day of August, 1980.

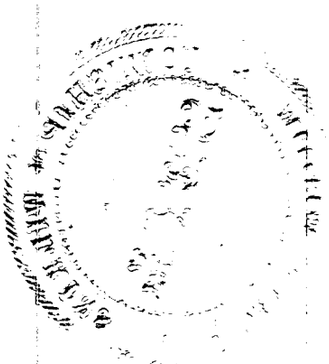
ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 31st day of May, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary



# ORDINANCE NO. 705

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RE-SURFACING OF FARNSWORTH AVENUE, NEGLEY AVENUE, REBECCA AVENUE, THOMPSON STREET, ALPINE BOULEVARD, CLINE STREET, DOWLING AVENUE, LILLY LANE, MILLER STREET, POWELL STREET, WALLACE AVENUE, GILCHREST DRIVE, RIDGEWOOD DRIVE AND RITA DRIVE.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The resurfacing of the following public roads is hereby authorized and directed:

A. Slurry Seal: Farnsworth Avenue, from Harrison Road to Patterson Street
Negley Avenue, from Churchill Road to T C Line
Rebecca Avenue, from Negley Avenue to Thompson Street
from Semmens Street to Dead End
Alpine Boulevard - entire length
Cline Street - entire length
Dowling Avenue - entire length
Lilly Lane - entire length
Miller Street - entire length
Powell Street - entire length
Wallace Avenue, from Powell Street to Cline Street
Gilchrest Drive - entire length
Ridgewood Drive - entire length

B. Asphalt Resurfacing with Base Improvement by Contract:
Rita Drive - entire length

C. Re-surfacing of such other streets as may be accommodated within the budget allotment for this purpose and provided the work is recommended by the Township Engineer and approved by the Board of Commissioners.

SECTION II. The materials and work shall be supplied and done according to the plans and specifications, therefore, as prepared by the Township Engineer, which plans and specifications are adopted as part of this Ordinance and are on file in the Office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described re-surfacing shall be done in accordance with the plans and specifications and proposal, therefore, by contract with the lowest responsible bidder or bidders, and the proper officers of the Township of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be paid by the Township of Wilkins and the same is hereby appropriated, therefore, out of funds now or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held the 13th day of June, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 706

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF APPROXIMATELY TWELVE HUNDRED FEET OF EIGHT INCH WATER MAIN WITHIN THE RIGHT OF WAY OF BROWN AVENUE, PROVIDING FOR PAYMENT OF COSTS AND EXPENSES AND AUTHORIZING ASSESSMENT OF THE UNFUNDED COSTS THEREOF AGAINST THE OWNERS OF PROPERTY ADJACENT OR ABUTTING UPON SAID IMPROVEMENT ACCORDING TO THE FRONT-FOOT RULE.

THE TOWNSHIP OF WILKINS hereby ordains as follows:

SECTION I. The construction of a water main is hereby authorized and directed along brown avenue in the Township of Wilkins from the intersection of Brown Avenue and Washington Avenue and to extend in a northerly direction in Brown Avenue a distance of twelve hundred feet, the whole of said work to be done subject to the provisions of the First Class Township Code.

SECTION II. The said water main on Brown Avenue shall be eight (8) inches in diameter.

SECTION III. The work of the construction of such water main and the purchase of material and labor necessary shall be done or furnished or caused to be done or furnished by contract to the lowest responsible bidder or bidders on specifications adopted by the Township of Wilkins.

SECTION IV: The Township of Wilkins hereby designates the Turtle Creek Valley Council of Governments as its agent for the purpose of letting bids, executing contracts and overseeing the work of construction; and the Township of Wilkins shall contract with the Wilkinsburg-Penn Joint Water Authority for the purpose of future incorporation of said water main into the distribution system of the Authority.

The proper Township Officials are hereby authorized to execute and deliver an Agreement with the Turtle Creek Valley Council of Governments and the Wilkinsburg Penn Joint Water Authority in substantially the form annexed hereto and made a part hereof.

SECTION V. The costs and expenses for said improvement shall be paid for by grants from the Allegheny County Department of Development and from funds now or hereafter in the Treasury of the Township of Wilkins, the withdrawal of which is hereby authorized and directed.

SECTION VI: Upon the completion and construction of said water main upon Brown Avenue, seventy five (75) percent of the cost thereof (excluding grant funds) shall be assessed to and collected from the owners of property adjacent or abutting upon said improvement, by an equal assessment of the feet front to be estimated by the Township Engineer, on the foot front rule. The Engineer shall certify the same in writing showing the date of completion of said improvement, the names of the abutting land owners, the assessable feet frontage of each and the amount of the assessment against each parcel of land. Twenty five (25) percent of the unfunded cost of the project shall be paid by the Township of Wilkins.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 5th day of July, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President, Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# A G R E E M E N T

THIS AGREEMENT made this 5TH day of JULY, 1983,

BY AND BETWEEN

THE TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS, hereinafter known as COG,

and

WILKINS TOWNSHIP, hereinafter known as WILKINS,

FIRST PARTIES;

A
N
D

THE WILKINSBURG-PENN JOINT WATER AUTHORITY,

SECOND PARTY.

W I T N E S S E T H  T H A T:

WHEREAS WILKINS is desirous of securing the extension of a public water supply for its citizens on Brown Avenue in said township by the construction of a water distribution main, and

WHEREAS FIRST PARTY, COG, will provide certain funds to WILKINS and will act as the agent of WILKINS in the construction of said distribution main as hereinafter set out, and

WHEREAS as such agent of WILKINS, FIRST PARTY, COG, has or will

enter into a contract to have a water distribution main constructed for the above purposes, and

WHEREAS said water line to be constructed must be attached to and become part of the present water system of the SECOND PARTY, and

WHEREAS the SECOND PARTY does grant permission for such connection to be made under and subject to conditions hereinafter set out and further agrees to maintain a public water supply to and through such distribution line to be constructed.

NOW THEREFORE, in consideration of the premises hereinabove and hereinafter set out and intending to be legally bound hereby, it is agreed by and between the Parties as follows:

1. FIRST PARTY, COG, shall at its own expense and subject to the inspection and supervision of the SECOND PARTY construct the aforesaid water line in accordance with the plot or plan attached hereto and made part hereof. SECOND PARTY shall furnish one (1) set of plans and specifications for the construction of this line. Such plans and specifications shall be paid for by FIRST PARTY, COG. All costs including, but not limited to engineering costs, inspection costs, shall also be paid by FIRST PARTY, COG. Permits necessary for the construction of such line shall be secured and paid for by FIRST PARTY, COG, or FIRST PARTY, WILKINS TOWNSHIP.

2. FIRST PARTY, WILKINS TOWNSHIP, shall grant and convey the aforesaid water line by Special Warranty Deed to SECOND PARTY, at a time suitable to it but not later than two (2) years from the date of the taking title to said line.

3. FIRST PARTY, WILKINS, agrees that until the line is conveyed by it to SECOND PARTY, that it will maintain or pay for the maintenance of the aforesaid water distribution line.

4. The SECOND PARTY agrees that upon the completion of such line, it will furnish a public supply of water to said water distribution line as long as the same is required and necessary. Further, upon taking actual title to the line from SECOND PARTY, WILKINS, it will thereafter maintain at its expense the aforesaid water distribution line.

5. FIRST PARTY, WILKINS, warrants that the present physical level or grade of the said Brown Avenue, Wilkins Township, at the place where the said distribution line is to be constructed, is the duly established grade, or if such grade should be so established as to necessitate raising or lowering of said line, that the said line will be raised or lowered at the expense of the FIRST PARTY, WILKINS.

6. It is further agreed by and between the Parties that the SECOND PARTY shall have the right to tap into the aforesaid line or to further extend the aforesaid line after its completion but before the actual title to the land is conveyed to SECOND PARTY.

7. It is further understood and agreed between COG and WILKINS that funds available to COG for all costs and expenses in connection with the water line project consist of a grant of $36,000.00 from the Allegheny County Department of Development and that all costs and expenses over $36,000.00 will be advanced to COG by WILKINS, forthwith, as needed.

IN WITNESS WHEREOF, the Parties hereto have placed their hands and seals this 5TH day of JULY, 1983.

ATTEST: TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS

ATTEST: WILKINS TOWNSHIP

President, Board of Commissioners

ATTEST: THE WILKINSBURG-PENN JOINT WATER AUTHORITY

Chairman

# THE WILKINSBURG-PENN JOINT WATER AUTHORITY

SKETCH

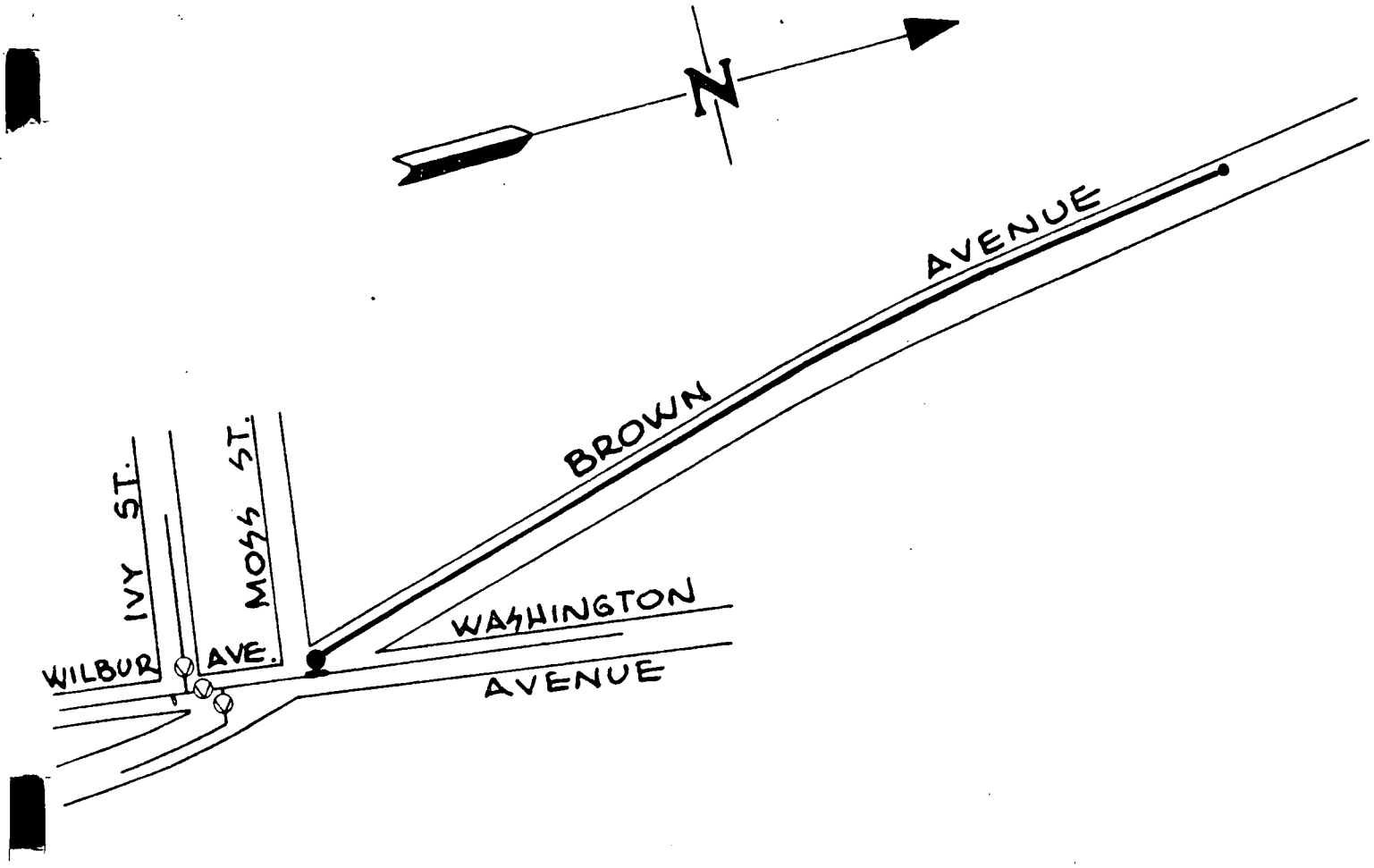
SHOWING PROPOSED INSTALLATION ON BROWN AVENUE
TOWNSHIP OF WILKINS · ALLEGHENY COUNTY - PENNA.

AS SHOWN IN RED.

SCALE 1" = 200'

MAY 31, 1983

DATE
APPROVED 5-31-83




EXT. NO. 2244

APPROX. 1200 FT. OF 8" MAIN
ALONG BROWN AVENUE.

EXT. NO. 2244

ORDINANCE NO. 707

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 643 BY DELETING SECTION 28 OF ARTICLE IV.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. Section 28 of Article IV, Ordinance No. 643 is hereby deleted.

Section 28 provides:

"a. No driver of any vehicle shall enter onto the William Penn Highway (Route 22) by turning left from any private road or from any private property, on either side of said highway, between Monroeville Borough boundary line and the intersection of South Rodi Road, in said Township."

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners at a duly assembled meeting held this 5th day of July, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 708

AN ORDINANCE OF THE TOWNSHIP OF WILKINS LAYING OUT AND ADOPTING AS A PUBLIC STREET OF THE TOWNSHIP OF WILKINS A STREET TO BE DESIGNATED AS HIBISCUS DRIVE, FIXING THE WIDTH THEREOF AND ACCEPTING A DEED OF DEDICATION.

WHEREAS, Hibiscus Drive, situate in the Township of Wilkins, was laid out as part of Churchill Estates Plan No. 2 as recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania in Plan Book Volume 40, page 180 and also as part of Churchill Estates Plan No. 4, an unrecorded plan laid out by W. R. Schackelford in 1952 and shown on the Plan dated November 1955 filed with the Township of Wilkins by Angelo Just and John Pisone, which plan is adopted as part of this Ordinance and is on file in the Office of the Township Secretary at 110 Peffer Road, Wilkins Township, Municipal Building, where it may be examined; and

WHEREAS, the said Hibiscus Drive was opened as a street and lots abutting Hibiscus Drive were improved with dwellings prior to the adoption of the Township of Wilkins Subdivision Ordinance (Ordinance No. 275) on June 6, 1960; and

WHEREAS, the Township of Wilkins has maintained and repaired as part of the public street system, that portion of Hibiscus Drive abutting Lots 11 and 13 in Churchill Estates Plan No. 2; and

WHEREAS, it is the intent of this Ordinance to incorporate as part of the public street system a portion of Hibiscus Drive which has not previously been accepted as part of the public street system.

NOW, THEREFORE, the Township of Wilkins Ordians as follows:

SECTION I. The following street, which is hereby designated as Hibiscus Drive, is hereby laid out, opened and ordained as a public street in the Township of Wilkins.

BEGINNING at the point of intersection of the easterly and westerly sides of Hibiscus Drive and the northerly side of Gardenia Drive as shown on Churchill Estates Plan No. 2; thence along the easterly line of Hibiscus Drive as shown on Churchill Estates Plan No. 2 and Churchill Estates Plan No. 4, maintaining a width of fifty feet, in a general northwesterly direction, a distance of approximately three hundred seventy three feet to the southwest corner of lot No. 51 on the east and the northwest corner of Lot No. 72 on the west, both lots as shown on Churchill Estates Plan No. 4.

SECTION II. The said street shall consist of a right of way fifty (50) feet wide as more particularly described on the aforesaid Churchill Estates Plan Nos. 2 and 4; and shall have such grade as subsequently ordained by the Township of Wilkins.

SECTION III. The Township of Wilkins hereby accepts a deed of dedication and release of the rights, title and interests in Hibiscus Drive tendered by Andrew F. Derzak and Helen T. Derzak, his wife; Guy M. Taglieri and Maria JoAnne Taglieri, his wife; Pietro Versino and Louise Gizzi Versino, his wife; Nicholas C. Dottovanio and Helen W. Dottovanio, his wife; Harvey D. Stitzell and Helen C. Stitzell, his wife; Michael W. Yost and Raffaela D. Yost, his wife; and directs that said deed be countersigned and recorded by the proper Township Officials.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 11th day of July, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky, President
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 709

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING TRAFFIC CODE ORDINANCE #653 BY PROHIBITING PARKING ON A PORTION OF BROWN AVENUE.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. That Ordinance No. 632, Article II, Section 21 (Page 9) be amended by adding thereto the following:

PARKING PERMITTED ONE SIDE ONLY

WARD I

Brown Avenue - No parking east side, Washington Street to a point 1200' north

- Parking this side only - west side

SECTION II. All ordinances or parts of any ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar as they may be in conflict with this ordinance.

SECTION III. ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 11th day of July, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 710

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING TRAFFIC CODE ORDINANCE NO. 643 BY PROHIBITING PARKING ON A PORTION OF REBECCA AVENUE.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. That Ordinance No. 643, Article II, Sections 20 and 21 (Pages 8-10) be amended as follows:

DELETE SECTION 21:

PARKING PERMITTED ONE SIDE ONLY

WARD I REBECCA AVENUE

THOMPSON STREET TO NEGLEY AVENUE

ADD SECTION 20:

PARKING PROHIBITED AT CERTAIN LOCATIONS

NO PARKING ON EITHER SIDE OF STREET

REBECCA AVENUE - THOMPSON STREET TO NEGLEY AVENUE

SECTION II. All ordinances or parts of any ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar as they may be in conflict with this ordinance.

SECTION III. ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 10th day of October, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 711

AN ORDINANCE OF THE TOWNSHIP OF WILKINS APPROVING AN APPLICATION BY HIGHLAND MANOR ASSOCIATES FOR A PLANNED RESIDENTIAL DEVELOPMENT OF CERTAIN LAND WITHIN THE TOWNSHIP OF WILKINS.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

WHEREAS, Highland Manor Associates has filed with the Township of Wilkins an application for a Planned Residential Development pursuant to the provisions of Township Ordinance No. 543; and

WHEREAS, the Development Plan meets all of the Standards set forth in Ordinance No. 543.

NOW, THEREFORE, The Township of Wilkins Ordains as follows:

SECTION I. The application of Highland Manor Associates for a Planned Residential Development as more fully set forth in the site plan dated July 25, 1983 prepared by Architectural Development Associates, Inc. is hereby given final approval. The site plan submitted is adopted as part of this Ordinance by reference thereto and is on file in the Office of the Township Secretary, 110 Peffer Road, Wilkins Township, Allegheny County, Pennsylvania, where it may be examined.

SECTION II. The approval of the Development Plan is subject to compliance by the developer with the provisions of Ordinance No. 543.

SECTION III. The approval of the Development Plan is subject to the Landowner executing and delivering to the Township an agreement providing for maintenance and repair of Dorothy Street insofar as use of Dorothy Street by the Developer during the term of construction of the Development Plan, causes wear and tear in excess of the norm.

SECTION IV. None of the streets, ways, sanitary or storm sewers, utilities or common open space shall be or become improvements or facilities of the Township of Wilkins.

SECTION V. The proper Township Officials are authorized and directed to certify final approval of the Development Plan pursuant to the provisions of Section 405.5 of Ordinance No. 543.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of December, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 712

AN ORDINANCE OF THE TOWNSHIP OF WILKINS PROVIDING FOR AN AGREEMENT WITH THE BOROUGH OF CHALFANT PERTAINING TO DISPOSAL OF SEWAGE FROM CERTAIN LAND WITHIN THE TOWNSHIP THROUGH THE CHALFANT BOROUGH SEWERAGE SYSTEM.

WHEREAS, Chalfant Borough if a municipality in Allegheny County which has an existing and operational sewerage disposal system for the conveyance of sewage for treatment by the Allegheny County Sanitary Authority; and

WHEREAS, Wilkins Township contains a parcel of land adjacent to Chalfant Borough abutting Dorothy Street which is not sewered and which would be impractical to sewer through the Wilkins Township sewerage system; and

WHEREAS, it is practical and suitable for such parcel to be sewered through the existing Chalfant Borough sewerage system; and

WHEREAS, both Wilkins Township and Chalfant Borough desire to provide for sewage disposal for said parcel of land through the Chalfant Borough sewerage system.

The Township of Wilkins Ordains as Follows:

SECTION I. The proper officers of the Township of Wilkins are hereby authorized, empowered and directed to execute and deliver on behalf of the Township an agreement substantially in the form as appended hereto and entitled "Agreement", which agreement has been determined by the Township Solicitor to be necessary and proper.

SECTION II. Any Ordinance or Resolution or part thereof conflicting with the provisions of this Ordinance is hereby repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of December, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# A G R E E M E N T

ENTERED into this 2nd day of November, 1983, by and between CHALFANT BOROUGH, hereinafter referred to as "CHALFANT" and the TOWNSHIP OF WILKINS, hereinafter referred to as "WILKINS".

WHEREAS, the parties are adjacent municipalities in Allegheny County, Pennsylvania; and

WHEREAS, there is certain undeveloped land in Wilkins Township which the owner desires to develop; and

WHEREAS, it not suitable to provide sewerage for the subject land within the Township, but the land is accessible to the Borough of Chalfant; and

WHEREAS, the parties desire to provide for sewage disposal through the Borough of Chalfant's existing sewerage lines.

AND NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. This contract is entered into pursuant to the following authorities: Act of July 12, 1972, No. 180, §1, et seq.; 53 P.S. §481, et seq., as amended; Act of Febraury 1, 1966, No. 581, §2021, et seq.; 53 P.S. §47021, et seq., as amended.

2. This contract is contingent on each municipality passing an Ordinance approving this contract and other contracts with the developer of the land.

3. The land subject to this agreement is that land set forth in the legal description attached hereto as Exhibit "A". Also attached as Exhibits "B" and "C" are plans of survey showing the development and sewer lines to be constructed. Wilkins consents to the terms and conditions set forth in the agreement between Chalfant and Developer a copy of which is attached hereto as Exhibit "D". Each party has reviewed the proposed Ordinance of the other and each party approves the other's Ordinance.

4. Chalfant agrees that the Developer may construct a sewer line into Chalfant sewerage lines for disposal of sewage from the Township of Wilkins. Wilkins shall not have the obligation to contribute or provide for the repair, maintenance or replacement of sewers in Chalfant Borough.

5. This agreement shall be perpetual or so long as there are residential units on the land described herein. It is understood and agreed that no more than fifty units may be constructed on the land. Thereafter, Wilkins agrees that it will not permit any further construction on said land as being in violation of this agreement and covenants made by the Developer. Wilkins further agrees that prior to issuing any building or occupancy permits, as a condition precedent, the Developer, owner of the premises must show a receipt that it has paid $100 to the Borough of Chalfant for the tapping fee. Wilkins agrees that it will give notice to the Borough of Chalfant of the application for any building or occupancy permits on said real estate.

6. Each party grants to the other a mutual easement for the purpose of ingress, egress and regress for the sole purpose of testing, inspecting, repairing or seeing to the installation and maintenance of said sewer system. Each party agrees that there shall be no road, or other access constructed providing for vehicular or pedestrian traffic for ingress, egress or regress onto the Borough of Chalfant from the subject premises.

7. For the collection of any of the fees or enforcement of any of the obligations of the Developer to Chalfant, Wilkins agrees that Chalfant Borough may file liens in the name of "Wilkins Township to the use of Chalfant Borough," to carry out the terms of this agreement to provide for the enforcement and liquidation of municipal claims, liens or remedies.

8. This agreement is contingent upon the approval of each municipality by adopting Ordinances approving this contract, all related contracts and all plans and exhibits attached thereto.

ENTERED into this 2nd day of November, 1983.

ATTEST:

Clarra J. Perry
Secretary

CHALFANT BOROUGH

by Ray M Jones

WILKINS TOWNSHIP

Wilmer K Baldwin
Secretary

by Joseph J Dunmady

# ORDINANCE NO. 713

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1984.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED by the Commissioners of Wilkins Township, County of Allegheny, Pennsylvania;

That a tax be and the same is hereby levied on all real estate property within the said municipality subject to taxation for the fiscal year 1984 as follows:

Tax Rate for general purposes, the sum of thirteen (13) mills on each dollar of assessed valuation, or the sum of one hundred thirty (130) cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

| | Mills on each Dollar of Assessed Valuation | Cents on each One Hundred Dollars of Assessed Valuation |
|---|---|---|
| Tax Rate for General Purposes | 13 Mills | 130 Cents |
| Total | 13 Mills | 130 Cents |

BE IT FURTHER ORDAINED AND ENACTED that any Ordinance or part of ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this 27th day of December, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 714

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE YEAR 1984.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA:

SECTION I. That for the expenditures and expenses of the fiscal year 1984 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 1984 for the specific purposes set forth on the following pages:

Schedule A

## BUDGET SUMMARY—ALL BUDGETED FUNDS

| Account Number | Classification | Total All Budgeted Funds | Line No. |
|---|---|---|---|
| | **Assets** - January 1 | | 1 |
| | Cash (including checking, savings, certificates of deposit, money market funds, etc. | 313,890 | 2 |
| | Accounts Receivable | | 3 |
| | Other Assets | | 4 |
| | Less Liabilities - January 1 | | 5 |
| | Accounts Payable (unpaid bills) | | 6 |
| | Other Liabilities | | 7 |
| | Less Fund Equity Reserves - January 1 | | 8 |
| | **Fund Equity** (sum of lines 2, 3, 4 less 6, 7, 8) - January 1 | 313,890 | 9 |
| | **Revenues and Other Financing Sources** | | 10 |
| 300 | Taxes (from Schedule C) | 1,208,370 | 11 |
| 320 | Licenses and Permits | 9,000 | 12 |
| 330 | Fines and Forfeits | 23,100 | 13 |
| 340 | Interest, Rents, and Royalties | 35,180 | 14 |
| 350 | Intergovernmental Revenue | 247,774 | 15 |
| 360 | Charges for Services (Departmental Earnings) | 45,444 | 16 |
| 380 | Miscellaneous Revenues General Fund Transfer | 84,000 | 17 |
| 390 | Other Financing Sources | 149,900 | 18 |
| | **Total Revenues and Other Financing Sources** (sum of lines 11 thru 18) | 1,802,768 | 19 |
| | **Total Available for Appropriation** (sum of lines 9 and 19) | 2,116,658 | 20 |
| | **Expenditures or Expenses and Other Financing Uses** | | 21 |
| 400 | General Government | 267,747 | 22 |
| 410 | Public Safety (Protection to Persons and Property) | 624,290 | 23 |
| 420 | Health and Welfare | 7500 | 24 |
| | Public Works— | | 25 |
| 426 | Sanitation | 98,020 | 26 |
| 430 | Highways, Roads, and Streets | 538,434 | 27 |
| 440 | Other Water Line or Sturm Sewer Project | 26,328 | 28 |
| 450 | Culture—Recreation | 14,895 | 29 |
| 460 | Conservation and Development | | 30 |
| 470 | Debt Service | 198,457 | 31 |
| 480 | Miscellaneous Expenditures or Expenses | 34,500 | 32 |
| 490 | Other Financing Uses Capital Reserve Transfer | 84,000 | 33 |
| | **Total Expenditures or Expenses and Other Financing Uses** (sum of lines 22 thru 33) | 1,904,171 | 34 |
| | **Assets** - December 31 | 2,116,658 | 35 |
| | Less Liabilities - December 31 | 1,904,171 | 36 |
| | Less Reserves - December 31 | 188,500 | 37 |
| | Unappropriated Fund Equity (line 35 less lines 36 and 37) | 23,987 | 38 |
| | **Total Appropriated and Unappropriated** (sum of lines 34 and 38) | 2,116,658 | 39 |

## BUDGET SUMMARY—ALL BUDGETED FUNDS

Schedule A

| | GOVERNMENTAL FUNDS | | | | | |
|---|---|---|---|---|---|---|
| | | SPECIAL REVENUE FUNDS | | | CAPITAL RESERVE | POLICE PENSION |
| | General Fund (1) | Highway Aid Fund (35) | Revenue Sharing Fund (85) | Other Special Revenue Funds (02-05) | Other Governmental Funds | Proprietary Funds (06-09) | Fiduciary Funds (50-69) |
| | | | | | | | |
| | 107,800 | 38 | 25,602 | | | 450 | 180,000 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | 107,800 | 38 | 25,602 | | | 450 | 180,000 |
| | | | | | | | |
| | 1,208,370 | | | | | | |
| | 9,000 | | | | | | |
| | 23,100 | | | | | | |
| | 20,180 | 3000 | 4506 | | | 3000 | 4500 |
| | 17,900 | 79124 | 111750 | | | | 39,000 |
| | 33444 | | | | | 12,000 | |
| | | | | | | 84,000 | |
| | 149,900 | | | | | | |
| | 1,461,894 | 82124 | 116,250 | | | 99,000 | 43500 |
| | 1569,694 | 82,162 | 141,852 | | | 99,450 | 223,500 |
| | | | | | | | |
| | 267,747 | | | | | | |
| | 624,290 | | | | | | |
| | 7500 | | | | | | |
| | | | | | | | |
| | | | 98,020 | | | | |
| 7 | 436,185 | 82,162 | 20,087 | | | | |
| 8 | | | 18,000 | | | 8328 | |
| 9 | 14,895 | | | | | | |
| 0 | | | | | | | |
| | 125,000 | | | | | 73,457 | |
| | 9500 | | | | | | 35000 |
| | 84,000 | | | | | | |
| 4 | 1569,117 | 82162 | 136,107 | | | 81,785 | 35000 |
| 5 | 1569,694 | 82162 | 141,852 | | | 99,450 | 223,500 |
| | 1,569,117 | 82,162 | 136,107 | | | 81,785 | 35,000 |
| 7 | | | | | | | 188,500 |
| 8 | 577 | -0- | 5,745 | | | 17,665 | |
| 9 | 1,569,117 | 82,162 | 136,107 | | | 99,450 | 223,500 |

SECTION II. That any ordinance conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ADOPTED this 27th day of December, 1983.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 715

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REQUIRING THE REMOVAL OR REPAIR OF DANGEROUS STRUCTURES TITLED IN THE NAMES OF HARVEY AND LENA W. TAYLOR AND GEORGE EDWARD AND MINERVA SPEECE PROVIDING FOR THE DEMOLITION THEREOF BY THE TOWNSHIP OF WILKINS AND FOR THE FILING OF A MUNICIPAL CLAIM.

WHEREAS, investigations by officials of the Township of Wilkins, Officials of the Township's Volunteer Fire Companies, and Officials of the Allegheny County Health Department have revealed that structures located on the properties hereinafter described are dilapidated, vacant, dangerous to health and safety and deemed a nuisance within the meaning of the Act of Assembly of the Commonwealth of Pennsylvania, June 24, 1931, P.L. 1206, Article IV, Section 1502, CLXXVI.

AND WHEREAS, it has been determined by the Board of Commissioners of the Township of Wilkins that such structures should be repaired or removed by demolition. It is hereby ordained and enacted by the Township of Wilkins as follows:

SECTION I. The following structures situate in the Township of Wilkins, Allegheny County, PA are hereby declared to be dangerous structures and nuisances:

1. One story frame house and addition, 139 Wallace Avenue, Block and Lot 373-R-324. Owner George Edward Speece and Minerva Speece.

2. One story frame and insulbrick house, Washington Avenue, Block and Lot 454-N-127. Owner Harvey Taylor and Lena W. Taylor.

SECTION II. The owners of the structures above described must commence the repair or removal within thirty one (31) days after notice is given as set forth in Section III hereof.

SECTION III. A notice to repair or remove said structures shall be given in writing by registered or certified mail, return receipt requested, to the last known address of the owners of said structures, and where no address is known or where said registered or certified mail is not accepted, the notice shall be posted upon the property declared to have a nuisance erected thereon. Notice shall be deemed to have been given on the date of mailing or the day when posted on the property.

SECTION IV. Every notice issued pursuant to Sections II and III of this Ordinance shall contain a clause as follows: "The Township of Wilkins has passed an Ordinance determining the structure described herein to be a nuisance and requiring said structure to be repaired or removed within sixty (60) days of the giving of this notice.

Any party who may feel aggrieved by the directive of the said Ordinance requiring removal or repair of said structure may contest the findings and contents of the Ordinance by requesting a hearing before the Board of Commissioners pursuant to the Local Agency Law. All requests for hearings must be in writing and must be filed with the Township Secretary within fifteen (15) days of the date that this notice was posted or mailed to the owner. Failure to file a request for hearing as set forth above may result in the loss of any opportunity to contest the determination that the structure is a nuisance which must be repaired or removed."

SECTION V. If, after notice is given, and a hearing, if requested, is held resulting in a determination that the structures are a nuisance, any of said dangerous structures are not repaired or removed within the time limits prescribed by such notice, the proper Township Officials are hereby authorized to advertise for bids for demolition of such structures and the restoration of the land to its natural state and to enter into a contract with the lowest responsible bidder or, if feasible, the work may be done in whole or in part by Township employes.

SECTION VI. The proper Township Officials and Solicitor are hereby authorized and directed to file a Municipal Claim and lien against the lot or lots appurtenant to any structure caused to be razed by the Township of Wilkins in connection therewith for the costs of razing such structures, together with a penalty of ten (10) percent as provided by law or the said costs and expenses may be collected by action in assumpsit against the owners of said dangerous structures.

SECTION VII. Any Ordinance or part thereof conflicting with the provisions of this Ordinance be and the same is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 13th day of February, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 716

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 355 BY PROVIDING DEFINITIONS OF SALARY AND COMPENSATION AND DECREASING THE NUMBER OF MONTHS USED IN COMPUTING BENEFITS.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. Section 6 of Ordinance No. 355 which presently provides in pertinent part:

> Monthly pension or retirement benefits shall be one-half the monthly average salary of such member during the last sixty (60) months of employment.

is hereby amended to provide:

> Monthly pension or retirement benefits shall be one-half the monthly average salary of such member during the last thirty six (36) months of employment.

SECTION II. Section 6 of Ordinance No. 355 is hereby amended by adding at the end of Section 6 the following paragraph:

> As used herein, the word salary shall be defined as a fixed amount of money paid at periodic intervals including longevity pay and shift differential pay. Salary shall not be deemed to include amounts paid as overtime pay, court pay, holiday pay, sick pay, uniform cost reimbursement, or any other payment not made as salary.

SECTION III. Section 8 of Ordinance No. 355 is hereby amended by adding at the end of Section 8 the following paragraph:

> The word compensation shall be defined as salary plus overtime pay, court pay, holiday pay, shift differential pay, longevity pay, uniform reimbursement costs and other sums paid to the member in connection with the member's employment.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 12th day of March, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# TOWNSHIP OF WILKINS

## ORDINANCE NO. 717

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 674 BY ADDING THERETO PROVISIONS GOVERNING NEIGHBORHOOD SIGNS.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Article 19 of the BOCA Basic Building Code of 1981 adopted as part of Ordinance No. 674 is hereby amended by adding thereto Section 1916 to provide:

Section 1916.0 Neighborhood Signs

1916.1 Lighting: All lights heretofore or hereinafter installed to illuminate any sign shall be provided with a hood, shade or similar device so as to direct the light emitted toward the sign.

1916.2 Time: All lights installed to illuminate any sign located within two hundred fifty feet of any structure used as a dwelling shall not be turned on prior to sunrise and shall be turned off prior to 10:00 P.M. prevailing time.

1916.3 Size: Any sign located within two hundred fifty feet of any structure used as a dwelling shall not exceed thirty two square feet.

When more than one distinct and separate business entity occupies the same lot, the provisions of Section 303 of Ordinance No. 542 shall apply.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of May, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

ORDINANCE NO. 718

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 465 BY ADDING A PROVISION SETTING FORTH THE TIME AND PLACE OF STORAGE OF RESIDENTIAL CONTAINERS.

SECTION I. Subsection (e) of Section V of Ordinance No. 465 is hereby amended to read:

(e) Garbage containers rubbish or trash shall not be placed in a front yard (as defined in Ordinance No. 542) of any premises except as provided in subsection (i) hereof.

SECTION II. Section V of Ordinance No. 465 is hereby amended by adding thereto subsections (i) and (j) to read:

(i) Curbside collection. On the day designated for collection from any particular premises, all garbage, rubbish or trash shall be set out for curbside collection and shall be placed within ten feet of the paved portion of the street abutting the premises from which the collection is to be made.

Where, because of physical impairment, all residents of a premises are unable to transport the containers from the side or rear yard for curbside collection, a special exception may be granted, after written application and hearing, by a committee or examiner appointed by the Board of Commissioners to hear and decide such requests.

(j) It shall be a violation of this Ordinance to set out garbage, rubbish or trash for curbside collection sooner than twenty-four hours prior to 12:01 A.M., prevailing time, of the day designated for collection.

SECTION III. Section VIII of Ordinance No. 465 is hereby deleted.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of May, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 719

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RESURFACING OF CHARNWOOD DRIVE, FRAZIER DRIVE, HAWTHORNE DRIVE, CLUGSTON AVENUE, CURRY AVENUE, HIGHLAND AVENUE, LENEAKE STREET, LUCIA DRIVE, LINHART STREET, MORTIMER AVENUE, SEMMENS STREET, IVY STREET, ELIZABETH STREET, JEFFERSON HEIGHTS ROAD, LAUREL DRIVE, RAILROAD STREET, QUEENSTON DRIVE.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The re-surfacing of the following public roads is hereby authorized and directed:

A. SLURRY SEAL: Charnwood Drive, Frazier Drive, Hawthorne Drive, Clugston Avenue, Curry Avenue, Highland Avenue, Leneake Street, Linhart Street, Mortimer Avenue, Semmens Street, Ivy Street, Laurel Drive, Jefferson Heights Road, Railroad Street.

B. ASPHALT RESURFACING: (w/base improvement)

Elizabeth Street
Queenston Drive
Lucia Drive

C. Resurfacing of such other streets as may be accommodated within the budget allotment for this purpose and provided the work is recommended by the Township Engineer and approved by the Board of Commissioners.

SECTION II. The materials and work shall be supplied and done according to the plans and specifications therefore as prepared by the Township Engineer, which plans and specifications are adopted as part of this Ordinance and are on file in the Office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described re-surfacing shall be done in accordance with the plans and specifications and proposal therefore by contract with the lowest responsible bidder or bidders, and the proper officers of the Township of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be paid by the Township of Wilkins and the same is hereby appropriated therefore out of funds now or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 11th day of June, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 720

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN LARIMER AVENUE, DESIGNATING THE PROJECT AS LARIMER AVENUE SANITARY SEWER DISTRICT, AND PROVIDING FOR THE WORK OF CONSTRUCTION TO BE DONE UNDER CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER.

THE TOWNSHIP OF WILKINS hereby ordains as follows:

SECTION I. The construction of an eight inch sanitary sewer and appurtenant manholes is hereby authorized and directed along Larimer Avenue, in the Township of Wilkins, as more particularly shown on the plans prepared by Nandor Engineering Company, Inc. which are incorporated herein by reference thereto and which are on file in the Office of the Township Secretary, 110 Peffer Road, Wilkins Township, where the plans may be examined by any interested person.

SECTION II. The work of the construction of such sewer and the purchase of material and labor necessary shall be done or furnished, or caused to be done or furnished by contract to the lowest responsible bidder or bidders on specifications of the Township Engineer.

SECTION III. The sanitary sewer project herein authorized shall be known as and is hereby designated as the Larimer Avenue Sanitary Sewer District.

SECTION IV. The funds required by this project are hereby appropriated from funds now or hereafter in the Township Treasury.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 11th day of June, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 721

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AUTHORIZING A CAPITAL NOTE.

WHEREAS, THE TOWNSHIP OF WILKINS (hereinafter the "Local Government Unit") deems it advisable to borrow SIXTY THREE THOUSAND (63,000.00) DOLLARS pursuant to the Local Government Unit Debt Act (herein the "Act") for the purpose of improving various streets (hereinafter the "Project"); and

WHEREAS, the Local Government Unit has obtained an estimate of the cost of the Project by taking bids, ~~obtaining an opinion~~, obtaining estimates from ~~registered architects~~, professional engineers or other persons qualified by experience ~~[delete whichever methods of obtaining costs are inapplicable]~~; and

WHEREAS, said cost has been determined to be $ 198,450.00 ; and of which 63,000. be financed by this note.

WHEREAS, notice of the following ordinance has been duly advertised in accordance is with Section 103 of the Act; and

WHEREAS, Pittsburgh National Bank (hereinafter the "Bank") has presented a written proposal to this meeting to purchase a note to be issued by the Local Government Unit;

NOW, THEREFORE, Be and it hereby is ordained and enacted that:

1. The indebtedness of the Local Government Unit be increased in the amount of SIXTY THREE THOUSAND (63,000.00) DOLLARS to be evidenced by the issuance of an installment note (herein the "Note") in the form of the Note presented to this meeting and incorporated into the minutes hereof as Exhibit N.

2. The debt to be incurred is non-electoral debt and is to be incurred to pay the costs of the Project, the useful life of which is 20 years.

~~3. The Note shall be sold at a private sale.~~

4. The Local Government Unit accepts the proposal of the Bank to purchase the Note, at par. The Note will be dated the date of its delivery, will mature in the following installments on the following dates:

| Date | Amount |
|---|---|
| 8/15/1985 | 12,600.00 |
| 8/15/86 | 12,600.00 |
| 8/15/87 | 12,600.00 |
| 8/15/88 | 12,600.00 |
| 8/15 89 | 12,600.00 |
| | |
| | |
| | |

will bear interest at the rate of 9.75 % per annum on the unpaid balance, payable semi-annually, and will be redeemable at the option of the Local Government Unit at any time without premium or penalty.

5. The proposal of the Bank presented to this meeting shall be incorporated into the minutes hereof as Exhibit "B" and the proper officers of the Local Government Unit, namely the President, Bd of Commissioners and Secretary, are hereby authorized and directed to execute and deliver on behalf of and under the seal of the Local Government Unit an acceptance of said proposal.

6. The proper officers of the Local Government Unit, namely President, Bd of Commiss'rs and Secretary, are hereby authorized and directed to prepare, certify and file the debt statement required by Section 410 of the Local Government Unit Debt Act.

7. The Note shall be a general obligation of the Local Government Unit and the Local Government Unit hereby covenants with the holder, from time to time, of the Note that it will include the amount of the debt service for each fiscal year in which any installment of principal or interest is payable in its budget for that year, will appropriate such amounts to the payment of such debt service and will duly and punctually pay or cause to be paid the principal and interest on the Note on the dates and at the places and in the manner stated therein according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Local Government Unit hereby pledges its full faith, credit and taxing power.

8. Pittsburgh National Bank is hereby designated as the Sinking Fund Depository for the Note and there is hereby created a Sinking Fund for the payment of the principal and the interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer of the Local Government Unit shall deposit into the Sinking Fund sufficient amounts for payment of principal and interest on the Note no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, without further action by the Local Government Unit withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the Note.

9. Upon approval of the Department of Community Affairs of the Commonwealth of Pennsylvania to issue the Note, the appropriate officer, namely President, ~~Bd. of Commiss'rs~~, shall execute and affix the seal of the Local Government Unit to the Note and the Secretary shall attest the same and either or both officers shall deliver the Note to the Bank.

10. The proper officers of the Local Government Unit are hereby authorized and directed to do all acts necessary and proper for the issuance and securing the said Note.

11. This Ordinance shall be deemed to be a contract with the holders, from time to time, of the Note and the covenant contained in Section 7 hereof shall be specifically enforceable.

12. The Note shall be sold at a private sale by negotiation, which sale is in the best financial interest of the Local Government Unit.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 9th day of July, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 722

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING THE COMPENSATION OF THE TOWNSHIP MANAGER.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. The annual compensation of the Township Manager shall be set at $34,517.00 effective July 2, 1984. This rate represents a 5% increase over the rate of December 21, 1983. No cost of living adjustment is to be included.

SECTION II. The Manager shall be eligible for all the benefits previous authorized.

SECTION III. The Manager shall be entitled to an automobile expense allowance of $80.00 per month for use of personal car on official duties, including building inspection and code enforcement work.

SECTION IV. Any ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 13th day of August, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commi sioners

ATTEST:

Wilmer K Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 723

AN ORDINANCE OF THE TOWNSHIP OF WILKINS APPROVING A SUBDIVISION PLAN KNOWN AS CHELSEA SQUARE PLAN OF LOTS SUBJECT TO CONDITIONS.

WHEREAS, an application for approval of a Subdivision Plan consisting of seventeen single family dwelling lots together with an Improvement Construction Plan, both prepared by Alex Hutchinson and Sons, Registered Surveyors and Engineers, dated April 19, 1984, as revised June 29, 1984 and August 1984 and designated as Chelsea Square Plan of Lots has been duly filed with the Township of Wilkins; and

WHEREAS, said Plan has been reviewed by the Planning Commissions of the Township of Wilkins and the County of Allegheny, the Township Zoning Officer, Engineer and Solicitor; and

WHEREAS, the Plan complies with all the requirements of Zoning Ordinance No. 542, as amended, and the Township of Wilkins Subdivision Ordinance No. 275, as amended.

NOW, THEREFORE, the Township of Wilkins Ordains as follows:

SECTION I. The Record Plan and Improvement Construction Plan of Chelsea Square Plan of Lots prepared by Alex Hutchinson and Son are approved.

SECTION II. Said Chelsea Square Plan of Lots is adopted as part of this Ordinance and is on file in the Office of the Township Secretary at 110 Peffer Road, Wilkins Township, Allegheny County, Pennsylvania, where it may be examined during business hours.

SECTION III. This approval and execution of the Record Plan by the Board of Commissioners is subject to the following conditions:

A. Deposit with the Township of Wilkins of financial security in an amount sufficient to cover the costs of any improvements, all in accordance with the Pennsylvania Municipalities Planning Code, Article V, Section 509.

B. Approval of the Borough of Churchill of the part of the Plan located in the Borough of Churchill.

C. Submission and approval of a grading application under Township Ordinance No. 516.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 13th day of August, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 724

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING THE DISCHARGE OF WASTE MATERIALS INTO SEWERS OF THE TOWNSHIP OF WILKINS; PROHIBITING THE DISCHARGE THEREINTO OF WASTES WHICH MAY DAMAGE THE SEWERS OR OTHER FACILITIES OF THE TOWNSHIP OF WILKINS OR OF THE ALLEGHENY COUNTY SANITARY AUTHORITY, WHICH MAY INTERFERE WITH OR PASS THROUGH THE ALLEGHENY COUNTY SANITARY AUTHORITY SEWAGE TREATMENT PROCESS, OR WHICH MAY ENDANGER LIFE, HEALTH OR SAFETY, OR MAY VIOLATE LAWS, RULES OR REGULATIONS CONTROLLING THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTE AS PROMULGATED BY THE FEDERAL GOVERNMENT, THE COMMONWEALTH OF PENNSYLVANIA, THE COUNTY OF ALLEGHENY, THE OHIO VALLEY WATER SANITATION COMMISSION OR BY THE ALLEGHENY COUNTY SANITARY AUTHORITY; AND PROVIDING FOR PENALTIES FOR VIOLATION.

WHEREAS, the Township of Wilkins (hereinafter called Township) is a party to a long-term sewage service agreement with the Allegheny County Sanitary Authority (hereinafter call ALCOSAN) whereby the sewers located in said Township connect to ALCOSAN sewers and ALCOSAN operates and maintains a Sewage Disposal System providing sewage treatment service for the sewage coming from the Township.

WHEREAS, the discharge of certain wastes into Township sewers could damage or clog not only the Township's sewers but also the structures and other facilities of the ALCOSAN Sewage Disposal System, could interefer with the proper operation thereof or pass through the ALCOSAN Sewage Disposal System untreated; and

WHEREAS, some of such wastes are dangerous to the health, life and safety of operating personnel and the public, and some create offensive nuisance conditions; and

WHEREAS, the said sewage service agreement requires the Township to exercise its rights and powers to carry into effect the purposes and intent of such agreement and requires the Township to enact an ordinance incorporating all or designated portions of ALCOSAN's Rules and Regulations and providing appropriate penalties for the violation thereof, to amend such ordinance from time to time as requested by ALCOSAN and to enforce the provisions thereof fully and prosecute all violators thereof diligently;

WHEREAS, pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq., and the regulations promulgated pursuant thereto, 40 C.F.R. 403.1 et seq., ALCOSAN is required to develop a pretreatment program, regulating the discharge of pollutants by industrial users into the Sewage Disposal System;

NOW, THEREFORE, in order to safeguard health, safety and life and insure the proper collection, treatment and disposal of sewage, as wellas to protect the sewers and other facilities of the Township and ALCOSAN, the following is hereby ordained and enacted:

SECTION I. For the purposes of this ordinance, the following terms shall have the meanings hereinafter designated:

A. Interference: The term "interference" shall mean any inhibition or disruption of the ALCOSAN facilities, its treatment processes or operations, its sludge processes, use or disposal, or of any sewer, pipe or other conveyance located in the Township, and transmitting substances into the ALCOSAN facilities, which is a cause of and significantly contributes to either a violation of any requirement of ALCOSAN's National Pollution Discharge Elimination System Permit (hereinafter called "NPDES Permit") including an increase in the magnitude or duration of a violation or to the prevention of sewage sludge use or disposal by ALCOSAN in accordance with the following statutory provisions and rules, regulations or permits issued thereunder: Pennsylvania Sewage Facilities Act (35 P.S. 750.1, et seq), Pennsylvania Clean Streams Act (35 P.S. 691.1 et seq), Pennsylvania Solid Waste Management Act (35 P.S. 6018.101, Federal Water Pollution Control Act (33 U.S.C. 1251, et seq), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq), including Title II, more commonly referred to as the Resource Conservation and Recovery Act and including all Commonwealth of Pennsylvania statutes and Pennsylvania Department of Environmental Resources Regulations prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act (42 U.S.C. 6901 et seq), and the Toxic Substances Control Act (15 U.S.C. 2601 et seq), County of Allegheny Health Code and the Pollution Control Standards of the Phio River Valley Water Sanitation Commission. (All such statutory provisions, rules, regulations or permits are hereinafter collectively called "Laws:.) A user significantly contributes to such a permit violation or prevention or sludge use or disposal in accordance with the above cited Laws whenever such user:

1. Discharges daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by Federal, Commonwealth of Pennsylvania, County of Allegheny, ALCOSAN or Township laws, ordinances, rules or regulations.

2. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or

3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in violation of ALCOSAN's NPDES permit or prevent sewage sludge use or disposal in accordance with the above cited Laws as they apply to ALCOSAN's selected method of sludge management.

B. Pass Through. The term "pass through" shall mean any discharge of pollutant through the facilities of ALCOSAN into navigable waters or any stream in the Commonwealth of Pennsylvania in quantities or concentrations which are a cause of and significantly contribute to a violation of any requirement of ALCOSAN's NPDES Permit (including an increase in the magnitude or duration of a violation). A user significantly contributes to such a permit violation where it:

1. Discharges a daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by Federal, Commonwealth of Pennsylvania, County of Allegheny, ALCOSAN or the Township laws, ordinances, rules or regulations.

2. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge

3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation; or

4. Knows or has reason to know that ALCOSAN is, for any reason, violating its final effluent limitations in its permit and that such user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of ALCOSAN's violations.

SECTION II. No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Township and transmitting substances into the facilities of ALCOSAN, any toxic substance, pollutant or other wastewater which will:

A. Cuase interference with the operation or performance of ALCOSAN's treatment plant or other facilities, or

B. Pass through ALCOSAN's treatment plant or other facilities.

SECTION III. No person, firm, association or corporation shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Township and transmitting substances into the facilities of ALCOSAN any of the following:

A. Any pollutant or wastewater which will interfere with, or substantially adversely affect the operation or performance of the ALCOSAN Treatment Plant, or pass through said Plant into navigable waters or streams of the Commonwealth of Pennsylvania in quantities or concentrations which are a cause of and significantly contributes to a violation of any requirement of the above cited Laws or the ALCOSAN NPDES Permit, or adversely affect the use or disposal of ALCOSAN sludge or other residues.

B. Any substance which will endanger the life, health or safety of the treatment plant, sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.

C. Any ignitable, reactive, explosive or corrosive waste.

D. All wastes that are defined or listed as hazardous under the regulations enacted by agencies of the Federal Government or the Commonwealth of Pennsylvania.

E. Any wastewater with a temperature great enough to inhibit biological activity in the ALCOSAN Treatment Plant.

F. Any waste which exceeds the naturally occurring background levels for either alpha, beta or gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such halflife or concentration not in compliance with applicable State or Federal regulations.

G. Any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of ALCOSAN's facilities or facilities discharging into the ALCOSAN's system.

H. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

I. Pathological wastes from a hospital or other medical establishment.

J. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer of a type approved by ALCOSAN and maintained in good operating condition.

K. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants; unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

L. Any substance which violates discharge regulations as established by authorized agencies of the Federal Government, the Connonwealth of Pennsylvania, the Ohio River Valley Water Sanitation Commission, Allegheny County or ALCOSAN.

SECTION IV. No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Township and transmitting substances into the facilities of the Sanitary Authority, any toxic substance, pollutant or other wastewater, in violation of a National Categorical or General Pretreatment Standards promulgated by the U.S. Environmental Protection Agency pursuant to Sections 307(b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b) and (c).

SECTION V. No person, firm, association or corporation shall take any action or do or cause to be done any thing in violation of any provision of the Federal Water Pollution Control Act or of any regulation promulgated by the U.S. Environmental Protection Agency pursuant thereto.

SECTION VI. No person, firm, association or corporation shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN or of laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania, the County of Allegheny, the Ohio River Valley Water Sanitation Commission or the Township pertaining to sewage discharge, introduction or treatment.

SECTION VII. Any person, firm, association or corporation violating any provision of this ordinance shall, upon conviction, be punished by a fine not to exceed the sum of Three Hundred ($300.00) Dollars for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County jail for a period not exceeding thirty (30) days. Each day that a ciolation is continued shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations upon the officers thereof.

SECTION VIII. The provisions of this ordinance are severable, and the invalidity of any section, clause, sentence or provision of this ordinance shall not affect or impair the validity of any other part of the ordinance which can be given effect without the invalid part or parts.

SECTION IX. Any ordinance or part of ordinance conflicting with the provisions of this ordinance is hereby repealed, so far as the same conflicts with this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 10th day of September, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 725

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 AND ZONING MAP TO REZONE CERTAIN PROPERTY ON GREENSBURG PIKE FROM COMMERCIAL TO RESIDENTIAL R-3.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The Zoning Map adopted as part of the Wilkins Township Zoning Ordinance (Ordinance No. 542) is hereby amended by rezoning the following property from Commercial to Residential R-3, that is:

ALL that certain lot or piece of ground situate in the Township of Wilkins, Allegheny County, Pennsylvania, and being more particularly bounded and described as follows:

BEGINNING AT A POINT in the center line of Greensburg Pike at the line of Lot No. 10 in the Pennwood Farms Plan of Lots as recorded in Plan Book Volume 26, page 136, in the Office of the Recorder of Deeds of Allegheny County; thence along the line of Lot No. 10 North 78° 28' East, a distance of 128.25 feet more or less, to a point at the dividing line between Lots Nos. 10 and 16 in said Plan; thence North 18° 47' West, a distance of 60 feet to a point; thence South 73th 56' West, a distance of 129.49' more or less to a point in the center line of Greensburg Pike; thence by the center line of Greensburg Pike South 21° 13' East, a distance of 50' to the point at the place of beginning. Being designated as Block 373-L, Lot 98, in the Deed Registry Office of Allegheny County.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 8th day of October, 1984.

THE TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 726

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING TRAFFIC CODE ORDINANCE NO. 643 BY FURTHER DESIGNATING WHERE PARKING IS PROHIBITED AT FIRE LANES.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I.

Ordinance No. 643, Section 22b PARKING PROHIBITED AT FIRE LANES is amended by adding thereto the following:

"Also Briaridge Apartment parking lot at entrance to driveway to Free Lane"

SECTION II.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of November, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 727

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REQUIRING THE REMOVAL OR REPAIR OF A DANGEROUS STRUCTURE TITLED IN THE NAME OF JOHN PEDANIC PROVIDING FOR THE DEMOLITION THEREOF BY THE TOWNSHIP OF WILKINS AND FOR THE FILING OF A MUNICIPAL CLAIM.

WHEREAS, investigations by officials of the Township of Wilkins, Officials of the Township's Volunteer Fire Departments, and Officials of the Allegheny County Health Department have revealed that a structure located on the property hereinafter described is dilapidated, vacant, dangerous to health and safety and deemed a nuisance within the meaning of the Act of Assembly of the Commonwealth of Pennsylvania, June 24, 1931, P.L. 1206, Article IV, Section 1502, CLXXVI.

AND WHEREAS, it has been determined by the Board of Commissioners of the Township of Wilkins that such a structure should be repaired or removed by demolition. It is hereby ordained and enacted by the Township of Wilkins as follows:

SECTION I. The following structure situate in the Township of Wilkins, Allegheny County, PA is hereby declared to be a dangerous structure and a nuisance:

Two (2) story frame house, 125 Patterson Street, Block and Lot 454-D-132, Owner: John Pedanic

SECTION II. The owner of the structure above described must commence the repair of removal within thirty one (31) days after notice is given as set forth in Section III hereof.

SECTION III. A notice to repair or remove said structure shall be given in writing by registered or certified mail, return receipt requested, to the last known address of the owner of said structure, and where no address is known or where said registered or certified mail is not accepted, the notice shall be posted upon the property declared to have a nuisance erected thereon. Notice shall be deemed to have been given on the date of mailing or the day when posted on the property.

SECTION IV. Every notice issued pursuant to Sections II and III of this Ordinance shall contain a clause as follows: "The Township of Wilkins has passed an Ordinance determining the structure described herein to be a nuisance and requiring said structure to be repaired or removed within sixty (60) days of the giving of this notice.

Any party who may feel aggrieved by the directive of the said Ordinance requiring removal or repair of said structure may contest the findings and contents of the Ordinance by requesting a hearing before the Board of Commissioners pursuant to the Local Agency Law. All requests for hearings must be in writing and must be filed with the Township Secretary within fifteen (15) days of the date that this notice was posted or mailed to the owner. Failure to file a request for hearing as set forth above may result in the loss of any opportunity to contest the determination that the structure is a nuisance which must be repaired or removed".

SECTION V. If, after notice is given, and a hearing, if requested, is held resulting in a determination that the structure is a nuisance, any of said dangerous structure is not repaired or removed within the time limits prescribed by such notice, the proper Township Officials are hereby authorized to advertise for bids for demolition of such a structure and the restoration of the land to its natural state and to enter into a contract with the lowest responsible bidder or, if feasible, the work may be done in whole or in part by Township employes.

SECTION VI. The proper Township Officials and Solicitor are hereby authorized and directed to file a Municipal Claim and lien against the lot or lots appurtenant to any structure caused to be razed by the Township of Wilkins in connection therewith for the costs of razing such structures, together with a penalty of ten (10) percent as provided by law or the said costs and expenses may be collected by action in assumpsit against the owners of said dangerous structure.

SECTION VII. Any Ordinance or part thereof conflicting with the provisions of this Ordinance be and the same is hereby repealed.

ORDAINED AND ENACTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of November, 1984.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 728

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE YEAR 1985.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED by the Commissioners of Wilkins Township, County of Allegheny, State of Pennsylvania:

THAT a tax be and the same is hereby levied on all real estate property within the said municipality subject to taxation for the fiscal year 1985 as follows:

Tax Rate for general purposes, the sum of Fourteen (14) Mills on each dollar of assessed valuation, or the sum of one hundred forty (140) cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

| | Mills on each Dollar of Assessed Valuation | Cents on each One Hundred Dollars of Assessed Valuation |
|---|---|---|
| Tax Rate for General Purposes | 14 Mills | 140 Cents |
| Total | 14 Mills | 140 Cents |

BE IT FURTHER ORDAINED AND ENACTED that any Ordinance or part of ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this second day of January, 1985.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

ORDINANCE NO. 729

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH, DURING THE YEAR 1985.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania:

SECTION I. That for the expendutures and expenses of the fiscal year 1985 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 1985 for the specific purposes set forth on the following pages.

Schedule A

## BUDGET SUMMARY—ALL BUDGETED FUNDS

| Account Number | Classification | Total All Budgeted Funds | Line No. |
|---|---|---|---|
| | **Assets** - January 1 | | 1 |
| | Cash (including checking, savings, certificates of deposit, money market funds, etc. | 275,407 | 2 |
| | Accounts Receivable | | 3 |
| | Other Assets | | 4 |
| | Less Liabilities - January 1 | | 5 |
| | Accounts Payable (unpaid bills) | | 6 |
| | Other Liabilities | | 7 |
| | Less Fund Equity Reserves - January 1 | | 8 |
| | **Fund Equity** (sum of lines 2, 3, 4 less 6, 7, 8) - January 1 1985 | 275,407 | 9 |
| | **Revenues and Other Financing Sources** | | 10 |
| 300 | Taxes (from Schedule C) | 1,291,057 | 11 |
| 320 | Licenses and Permits | | 12 |
| 330 | Fines and Forfeits | 34,100 | 13 |
| 340 | Interest, Rents, and Royalties | 19,980 | 14 |
| 350 | Intergovernmental Revenue | 240,188 | 15 |
| 360 | Charges for Services (Departmental Earnings) | 33,819 | 16 |
| 380 | Miscellaneous Revenues | 34,200 | 17 |
| 390 | Other Financing Sources INCL. LOANS & TRANSFERS | 258,225 | 18 |
| | **Total Revenues and Other Financing Sources** (sum of lines 11 thru 18) | 1,911,569 | 19 |
| | **Total Available for Appropriation** (sum of lines 9 and 19) | 2,186,976 | 20 |
| | **Expenditures or Expenses and Other Financing Uses** | | 21 |
| 400 | General Government | 276,994 | 22 |
| 410 | Public Safety (Protection to Persons and Property) | 700,059 | 23 |
| 420 | Health and Welfare | - | 24 |
| | Public Works— | | 25 |
| 426 | Sanitation | 96,000 | 26 |
| 430 | Highways, Roads, and Streets | 570,627 | 27 |
| 440 | Other | — | 28 |
| 450 | Culture—Recreation | 16,929 | 29 |
| 460 | Conservation and Development | — | 30 |
| 470 | Debt Service | 208,854 | 31 |
| 480 | Miscellaneous Expenditures or Expenses INCL TRANSFERS & REFUNDS | 97,725 | 32 |
| 490 | Other Financing Uses | | 33 |
| | **Total Expenditures or Expenses and Other Financing Uses** (sum of lines 22 thru 33) | 1,967,188 | 34 |
| | **Assets** - December 31 1985 | 219,788 | 35 |
| | Less Liabilities - December 31 | | 36 |
| | Less Reserves - December 31 | | 37 |
| | Unappropriated Fund Equity (line 35 less lines 36 and 37) | 219,788 | 38 |
| | **Total Appropriated and Unappropriated** (sum of lines 34 and 38) | 2,186,976 | 39 |

L GET SUMMARY--ALL BUDGETED FUNDS

| e No. | General Fund (1) | Highway Aid Fund (35) | Revenue Sharing Fund (85) | Other Special Revenue Funds (02-05) | Other Governmental Funds CAP. PRJ | Police Pension Proprietary Funds (06-09) | Fiduciary (50-69) |
|---|---|---|---|---|---|---|---|
| | GOVERNMENTAL FUNDS | SPECIAL REVENUE FUNDS | | | | | |
| 1 | | | | | | | |
| 2 | 53,900 | 7 | 13,500 | | 8,000 | 200,000 | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | 53,900 | 7 | 13,500 | | 8,000 | 200,000 | |
| 10 | | | | | | | |
| 11 | 1,291,057 | | | | | | |
| 12 | | | | | | | |
| 13 | 28,100 | | | | 6,000 | | |
| 14 | | 2,100 | 2,880 | | 2,000 | 13,000 | |
| 15 | 20,050 | 80,447 | 100,691 | | | 34,000 | |
| 16 | 32,814 | | | | 1,000 | | |
| 17 | 34,200 | | | | | | |
| 18 | 170,600 | | | | 87,625 | | |
| 19 | 1,576,826 | 82,547 | 103,571 | | 96,625 | 52,000 | |
| 20 | 1,630,726 | 82,554 | 117,071 | | 104,625 | 252,000 | |
| 21 | | | | | | | |
| 22 | 276,994 | | | | | | |
| 23 | 665,059 | | | | | 35,000 | |
| 24 | | | | | | | |
| 25 | | | | | | | |
| 26 | | | 96,000 | | | | |
| 27 | 431,307 | 82,550 | 19,000 | | 37,770 | | |
| 28 | | | | | | | |
| 29 | 16,929 | | | | | | |
| 30 | | | | | | | |
| 31 | 142,000 | | | | 66,854 | | |
| 32 | 97775 | | | | | | |
| 33 | | | | | | | |
| 34 | 1,630,014 | 82,550 | 115,000 | | 104,624 | 35,000 | |
| 35 | 712 | 4 | 2,071 | | 1 | 217,000 | |
| 36 | | | | | | | |
| 37 | | | | | | | |
| 38 | 712 | 4 | 2,071 | | 1 | 217,000 | |
| 39 | 1,630,726 | 82,554 | 117,071 | | 104,625 | 252,000 | |

SECTION II. That any ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ADOPTED this second day of January, 1985.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky,
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 730

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 643 REGARDING AREAS
WHERE PARKING IS PERMITTED ON ONE SIDE ONLY.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. That Section 21, Ordinance No. 643 Parking permitted on One Side Only as now reads:

| WARD III | No Parking | Parking This Side Only |
|---|---|---|
| Dorothy Street | South - West Side | North - East Side |

BE AMENDED TO READ:

| | | |
|---|---|---|
| Dorothy Street (Greensburg Pike to Peter Street) | South - West Side | North - East Side |
| Dorothy Street (Peter Street to driveway of Highland Manor Apartments) | North - East Side | South - West Side |

SECTION II. All ordinances or parts of Ordinances conflicing with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a dulyassembled meeting held this 14th day of January, 1985.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

# ORDINANCE NO. 731

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 AND ZONING MAP TO REZONE CERTAIN PROPERTY ON PENN CENTER BOULEVARD FROM RESIDENTIAL R-4 TO COMMERCIAL.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The Zoning Map adopted as part of the Wilkins Township Zoning Ordinance (Ordinance No. 542) is hereby amended by rezoning the following property from Residential R-4 to Commercial, that is:

ALL that certain lot or piece of ground situate in the Township of Wilkins, Allegheny County, Pennsylvania, and being more particularly bounded and described as follows:

BEGINNING AT A POINT IN THE centerline of Penn Center Boulevard, a 50' right of way, where as intersected by the easterly right of way line of Rodi Road, L.R. 395, also known as Linhart Road; thence from said point of beginning along said centerline of Penn Center Boulevard the following five (5) courses and distances:

1. S.58°08'E., for a distance of 9.21 feet to a point;thence
2. By the arc of a circle curving to the right, having a radius of 400.00 feet for an arc distance of 70.10 feet to a point; thence
3. S.48°05'30"E., for a distance of 73.76 feet to a point; thence
4. By the arc of a circle curving to the right, having a radius of 700.00 feet for an arc distance of 138.74 feet to a point; thence
5. S.36°44'10"E., for a distance of 124.66 feet to a point;

Thence by a line through said right of way, N.53°15'50"E., for a distance of 25.00 feet to a point on the easterly right of way line of Penn Center Boulevard, said point being the northwesterly corner of the parcel herein described and the true point of beginning; thence by a line through lands of which this is a part, N.40°17'30"E., for a distance of 205.754 feet to a point of common corner on the dividing line of lands here described and lands now or formerly of G. J. Riegner; thence along said line of Riegner, S.65°29'25"E., for a distance of 166.62 feet to a point on a line of Parcel P2RRR IN a Plan of Penn Center made for Joseph Soffer as laid out by H.A.Shope and Son, dated January 8, 1969; thence along the line of Parcel P2RRR, S.03°31'E., for a distance of 246.81 feet to a point; thence continuing along said line of Parcel P2RRR, N.86°29'E., for a distance of 173.81 feet to a point of common corner on the dividing line of the parcel herein described and Parcel 6R and Parcel 13R in said Plan, S.03°31'E., for a distance of 596.69 feet to a point on the dividing line of the parcel herein described and Parcel 3R in said Plan of Penn Center; thence along said line of Parcel 3R,N.54°04'W., for a distance of 239.09 feet to a point; thence by a line through lands of which this is a part, N.01°52'21"WQ., for a distance of 339.784 feet to a point; thence continuing S.73°57'50"W., for a distance of 196.311 feet to a point on the easterly right of way line of the aforementioned Penn Center Boulevard; thence along said right of way line of Penn Center Boulevard, N.16°02'10"W., for a distance of 205.02 feet to a point; thence continuing along said right of way line by the arc of a circle curving to the left, having a radius of 375.00 feet for an arc distance of 135.482 feet to a point, said point being the true place of beginning.

Containing an area of 4.3856 acres.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 8th day of April, 1985.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

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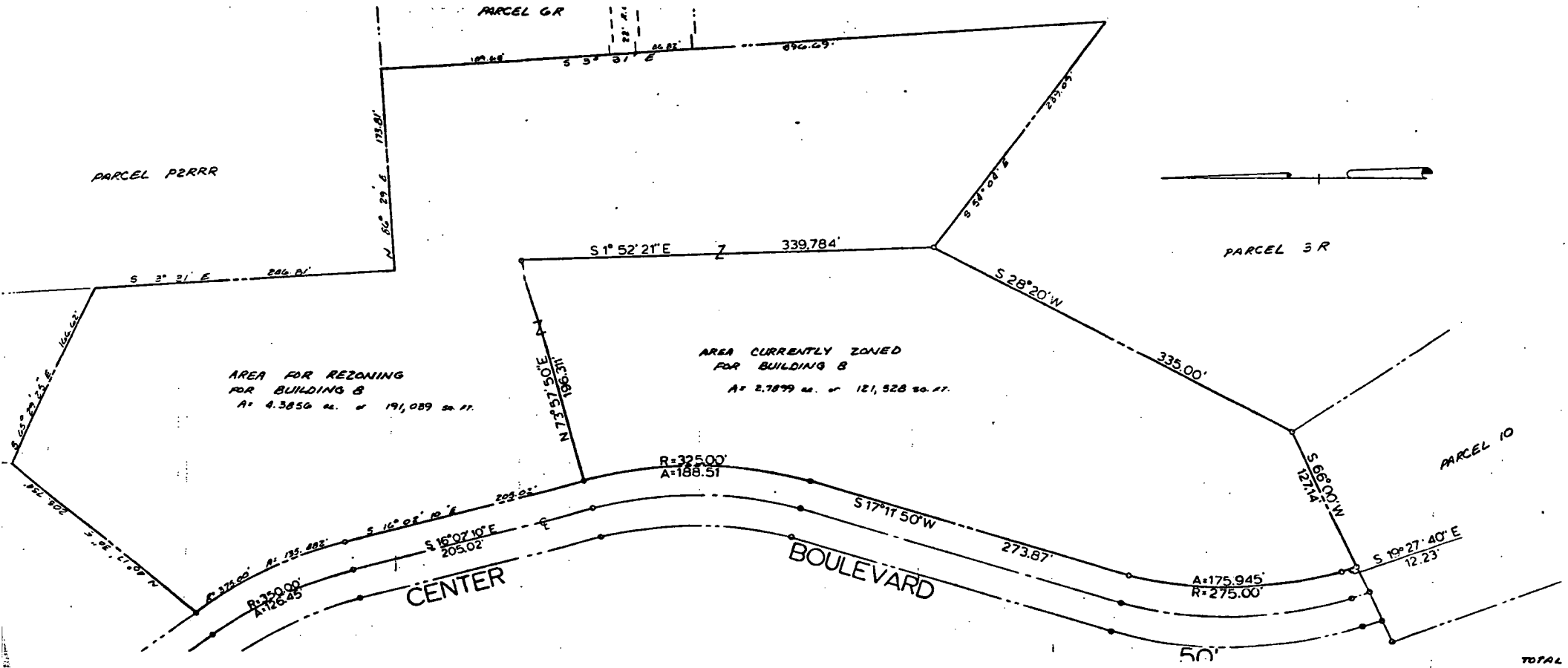


# ORDINANCE NO. 732

AN ORDINANCE OF THE TOWNSHIP OF WILKINS DEFINING SICK LEAVE, TEMPORARY DISABILITY, MATERNITY LEAVE AND PERMANENT DISABILITY, ESTABLISHING CRITERIA FOR ADMINISTRATION OF SUCH LEAVES AND PERMANENT DISABILITY AND PROVIDING FOR THE PROMULGATION OF SUITABLE REGULATIONS IN RELATION THEREOF.

THE TOWNSHIP OF WILKINS hereby ordains as follows:

ORDINANCE NO. 732

AN ORDINANCE OF THE TOWNSHIP OF WILKINS DEFINING SICK LEAVE, TEMPORARY DISABILITY, MATERNITY LEAVE AND PERMANENT DISABILITY, ESTABLISHING CRITERIA FOR ADMINISTRATION OF SUCH LEAVES AND PERMANENT DISABILITY AND PROVIDING FOR THE PROMULGATION OF SUITABLE REGULATIONS IN RELATION THEREOF.

The Township of Wilkins hereby ordains as follows:

Section 1. Definitions. For the purpose of interpreting the provisions of this Ordinance, the following words will have the meaning or meanings hereby ascribed to them, viz:

1.1 Maternity Leave. Absence caused by pregnancy of a female employee.

1.2 Permanent Disability. Any disability which renders an employee unable to perform his duties and which on the basis of medical opinion is permanent or which has rendered an employee unable to perform his duties for an uninterrupted period of eight calendar months from the first day of disability.

1.3 Sick Leave. Any absence caused by nonoccupational illness or injury suffered by an employee rendering him unable to perform his duties, except absence caused by pregnancy.

1.4 Temporary Disability Leave. Any absence caused by occupational illness or injury including, but not limited to injuries caused by injury within the meaning of the Workmen's Compensation Act of the Commonwealth of Pennsylvania, illness caused by diseases within the scope of the Occupational Disease Act and, as to policemen and firemen, disabilities or incapacity incurred in the performance of duties and subject to Section 1 of the Act of June 28, 1935, P.L. 477 as amended.

Section 2. Sick Leave Allowed. Sick leave shall be allowed at the rate set forth in collective bargaining agreements, arbitration awards or resolutions of the Board of Township Commissioners which may now be in effect or hereafter become effective.

Section 3. Validation. The Township may require any evidence reasonable under the circumstances to validate claimed sick leave and also to establish the fitness of an employee to return to duty. Such evidence may include a certification by a physician and also as to fitness to return to duty, an examination by a physician selected by the municipality.

Section 4. Temporary Disability.

4.1 Temporary Disability for Policemen. Temporary disability suffered by a policeman or fireman coming within the scope of the Act of 1935, June 28, P.L. 477 as amended shall entitle such temporarily disabled policeman to the benefits provided for in said Act.

4.2 Temporary Disability for Other Employees. Temporary disability suffered by any employee not coming within the scope of said Act of 1935, June 28, P.L. 477 as amended shall entitle such temporarily disabled employee to continuation of his regular salary or wages during the period of such disability but not in excess of sixty working days.

4.3 Workmen's Compensation Benefits. If any such temporarily disabled employee is entitled to benefits under the Workmen's Compensation Act or the Occupational Disease Act as they are in force, such benefits shall be deducted from any salary or disability compensation to which such employee shall otherwise be entitled.

Section 5. Maternity Leave. Leaves of absence will be provided for any employee of the Township whose absence from duties will be required because of disability from childbirth or pregnancy. Such leaves shall be governed by considerations for the health

of the employees, the need for continuity in Township operations and the maintenance of a qualified staff.

5.1 While on a maternity leave the employee shall be entitled to use accumulated sick leave for disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom. The Township shall require that such requests for sick leave be supported by completion of the Township's "Certification of Maternity Disability" form.

5.2 If for any reason the employee does not intend to return to her position upon the termination of the leave, the employee is obligated to submit her resignation at least sixty calendar days prior to the expiration of the leave.

5.3 Prior to an employee's return to work from a maternity leave a physician must certify that she is physically able to resume her duties on a full-time basis.

5.4 Failure to resume work after becoming physically able to do so shall be grounds for discharge and permanent disability arising under Section 5 shall be grounds for discharge under Section 6.2.

Section 6. Permanent Disability.

6.1 Any employee who becomes permanently disabled and is entitled to pension benefits either as a disability pension or for age and service shall be retired on such pension as affords him the larger benefits. The pension shall become payable as of the day following the day for which he last receives salary or wages from the Township after becoming eligible for such pension benefits.

6.2 Any employee who becomes permanently disabled and is entitled to no pension benefits either for age and service or for disability shall be discharged forthwith from the service of the Township.

Section 7. Manager Empowered to Promulgate Suitable Regulations. The Township Manager is empowered hereby to promulgate by executive order suitable regulations for the administration and supplementation of this Ordinance as it affects all employees. Such regulations shall cover, inter alia, the following:

A. Disciplinary measures to be taken in the event of abuse by an employee of the sick leave privilege provided for by this Ordinance.

B. Forms and procedures for processing claims for sick leave, temporary disability, and permanent disability benefits as provided for or contemplated by this Ordinance.

C. Procedures for the furnishing of physician costs, physical examinations and medical opinions required hereby or which facilitate the administration and enforcement hereof.

D. Such other regulations governing the implementation and administration of the provisions of this Ordinance and not inconsistent herewith as the Manager shall determine.

Section 8. Miscellaneous Provisions.

8.1 For the purposes of construing this Ordinance, the use of the singular shall include the plural, and the plural the singular. Words used in the masculine gender shall include the feminine and the neuter. Words used in the present or past tense shall include the future.

8.2 Severability. The provisions of this Ordinance are severable. If any word, sentence, clause section or other provision thereof is found by a court of record of competent jurisdiction to be unlawful and void, the remaining provisions shall nevertheless remain valid. It is declared to be the intention of the Township that the

Ordinance would have been enacted if such unlawful and void provisions had not been included therein.

Section 9. If the provisions of this Ordinance become inconsistent or in conflict with the provisions of any collective bargaining agreement hereafter entered into applying to some or all of the municipal employees of the Township, which collective bargaining agreement is duly authorized by an ordinance, such ordinance authorizing such collective bargaining agreement shall be deemed to amend this Ordinance to the extent of such conflict or inconsistency.

Section 10. This Ordinance shall become effective on the first day of the first full calendar month following its enactment and publication.

ORDAINED AND ENACTED this 13 day of MAY, 1985.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

By

President of the Board of Commissioners

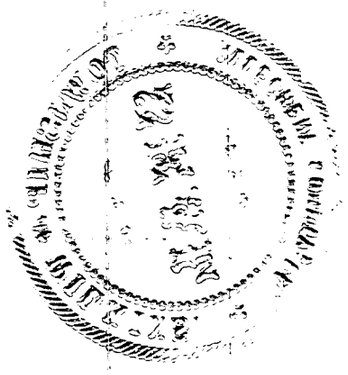
ORDAINED AND ENACTED this 13th day of May, 1985.

TOWNSHIP OF WILKINS

By _____
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

_____
Wilmer K. Baldwin, Secretary



# ORDINANCE NO. 733

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AUTHORIZING THE RESURFACING OF VARIOUS STREETS.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The re-surfacing of the following public roads is hereby authorized and directed:

A. SLURRY SEAL:
Calmont Drive
Thorncrest Drive
Curry Court
George Street
McMasters Avenue
Patterson Street
Peffer Road (Municipal Bldg. to Gardenia Drive)

B. ASPHALT RESURFACING:
Peter Street
John Street
Dorothy Street
Old William Penn Highway
Roland Road
Gilmore Drive

C. Resurfacing of such other streets as may be accommodated within the budget allotment for this purpose and provided the work is recommended by the Township Engineer and approved by the Board of Commissioners.

SECTION II. The materials and work shall be supplied and done according to the plans and specifications therefore as prepared by the Township Engineer, which plans and specifications are adopted as part of this Ordinance and are on file in the Office of the Township Secretary at 110 Peffer Road, Township of Wilkins, Allegheny County, Pennsylvania, where they may be examined.

SECTION III. The work to be performed and purchase of material and labor necessary for the above described resurfacing shall be done in accordance with the plans and specifications and proposal therefore by contract with the lowest responsible bidder or bidders, and the proper officers of the Township of Wilkins are authorized and directed to execute a contract with same.

SECTION IV. The Township Engineer is hereby designated as the person in charge of said work with full power to act for the Township in all matters connected with said work.

SECTION V. The costs and expenses of the entire work hereby authorized shall be paid by the Township of Wilkins and the same is hereby appropriated therefore out of funds now or hereafter in the Treasury.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 10th day of June, 1985.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky
Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin
Wilmer K. Baldwin, Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 734

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 638 REGULATING BUILDING AND DEVELOPMENT IN FLOOD PLAIN AREAS.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. That Ordinance No. 638 be amended by inserting the following new sections:

SECTION 901D Restricted Uses (Page 5)

The provisions of this Section shall be applicable, in addition to any other applicable provisions of this ordinance, or any other ordinance, code, or regulation.

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:

(1)- Will be used for the production or storage of any of the following dangerous materials or substances; or

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

(3)- Will involve the production, storage, or use of any amount of radioactive substances:

(4)- 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
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, etcetera)
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

SECTION 901E Prohibited Uses (Page 5)

Within any Floodway District (FW) any structure of the kind described in Section 901D above, shall be prohibited.

(1) Where permitted within any Flood-Fringe District (FF) any structure of the kind described in Section 901D above, shall be:

A. Elevated or designed and constructed to remain completely dry up to at least one and one half ($1\frac{1}{2}$) feet above the one-hundred year flood; and

B. Designed to prevent pollution from the structure or activity during the course of a one-hundred (100) 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.

SECTION 1105 Activities Requiring Special Exception (Page 7)

The provisions of this Section shall be applicable, in addition to any other applicable provisions of this ordinance, or any other ordinance, code or regulation.

A. Identification of Activities Requiring a Special Exception

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 as a special exception 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:

Hospitals

Nursing homes

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.

B. ApplicationRequirements:

Applicants for Special Exceptions shall provide five copies of the following items:

(1) A written request indluding 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 (1) inch being equal to one hundred (100) feet or less, showing the following:

a. North arrow, scale and date;

b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) 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 water-courses, buildings, structures and other public or private facilities, including railroad tracks 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 (100) 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 (100) 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 (100) 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 (100) 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 (100) 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 bouyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) 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 Resources 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 (100) year flood.

C. Application Review Procedures:

Upon receipt of an application for a Special Exception by the Township Zoning Officer, the following procedures shall apply in addition to all other applicable permit procedures which are already established:

(1) Within three(3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations.

Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

(2) If an application is received that is incomplete, the Township Zoning Officer shall notify the applicant in writing, stating in what respects the application is deficient.

(3) If the Township Zoning Officer decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

(4) If the Township Zoning Officer 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 (5) working days after the date of approval.

a. The application shall be forwarded to the Zoning Hearing Board for hearing.

(5) Before a hearing on the Special Exception, the Zoning Hearing Board shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Township.

(6) If the Zoning Hearing Board does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Exception to the applicant.

(7) If the Department of Community Affairs should decide to disapprove an application, it shall notify the Zoning Hearing Board , and the applicant, in writing, of the reasons for the disapproval, and the Zoning Hearing Board shall not issue the Special Exception.

D. Technical Requirements for Development Requiring a Special Exception:

In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Exception. 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 Exception 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 (100 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 (100) year flood elevation.

(ii) the lowest floor elevation (including basement) will be at least one and one half ($1\frac{1}{2}$) feet above the one-hundred (100) 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 (100) year flood.

b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

(2) Allhydrologicand hydraulic analysis 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, analysis, computations, etcetera shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

SECTION II. Ordained and adopted by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 8th day of July, 1985.

TOWNSHIP OF WILKINS

By Joseph J. Dombrosky

Joseph J. Dombrosky
President,
Board of Commissioners

ATTEST:

Wilmer K. Baldwin

Wilmer K. Baldwin, Secretary