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ORDINANCE NO. 782

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 669 BY INCREASING
THE COMPENSATION OF THE TOWNSHIP TAX COLLECTOR

THE TOWNSHIP OF WILKINS ordains as follows:

That Section II of Ordinance No. 669 as amended by ordinance No. 690 is hereby amended to read:

SECTION II: TAX COLLECTOR the sum of $7,600.00 annually to be paid in equal monthly installments beginning with the term commencing the first month of January 1990.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 13th day of February, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ORDINANCE NO. 783

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCES No. 775, 776 AND
777 PROVIDING FOR INSTALLMENT PAYMENTS
ON ASSESSMENTS.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The assessments made by Ordinances Nos. 775, 776 and 777 assessing the owners of property in the Highland-Clugston Avenues, George and James Streets, and Lougeay Road sewer districts shall be, at the option of the property owners, payable in four equal quarterly installments, beginning April 1, 1989, without interest.

SECTION II. On and after April 1, 1990, interest on any unpaid balance of any assessment shall be paid at the rate of 6% per year.

SECTION III. In the event of failure of any assessee to pay any installment when due, the entire balance shall become due, with interest at 6% and penalty, as provided by law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 27th day of February, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

ORDINANCE NO. 784

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 275 BY ADDING TO SECTION 504 A NEW SECTION DESIGNATED AS SECTION 504(2) PROVIDING FOR WAIVERS IN CERTAIN CASES

THE TOWNSHIP OF WILKINS hereby ordains as follows:

SECTION I: Section 504 of Ordinance No. 275 is hereby amended by adding thereto Section 504(2) to provide as follows:

Section 504(2). The requirements for sidewalks as above provided may be waived in whole or in part by written application to the Board of Commissioners.

(a) No waiver shall be granted unless all of the following conditions are found to exist:

(1) That there are unique physical circumstances or conditions consisting of exceptional topographical or other physical conditions peculiar to the particular property and that a waiver is required due to such conditions, and not the circumstances or conditions generally created by the provisions of the sidewalk provisions of the subdivision ordinance.

(2) That because of the physical circumstances or conditions, installation of a sidewalk cannot be done without cost and expense applicable in the absence of the exceptional topographical or other physical conditions.

(3) That the exceptional conditions have not been created by the developer or his predecessor.

(4) That the waiver, if authorized, will apply only to that part of the property on which the unique physical circumstances or conditions exist.

(5) That the waiver, if authorized, will not create a risk to the public health, safety or welfare.

(6) The Township Engineer has reviewed the application and has certified that all of the conditions (1) through (4) apply to the waiver applied for.

(b) The application for waiver shall contain sufficient plans and documentation to indicate that all conditions of the waiver do exist.

(c) The application shall be accompanied by an application fee in the amount set by Resolution of the Board of Commissioners from time to time.

(d) Affirmative action on waiver applications shall be taken by Resolution.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 8th day of May, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President, Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ARCHIVE

ORDINANCE NO. 785

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 I: 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 BASIC/NATIONAL FIRE PREVENTION CODE recommended by the Building Officials and Code Administrators International, Inc. (hereinafter BOCA CODE), particularly the 1987 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 II: The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention of the Township of Wilkins established by Ordinance No. 742.

SECTION III: The Bureau of Fire Prevention shall be operated under the supervision of the Fire Marshal and three Deputh Fire Marshal and three Deputh Fire Marshals which offices were established by Ordinance No. 742.

A. The Fire Marshal and Deputy Fire Marshals 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 Marshal or a Deputy Fire Marshal, 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 Marshal with all the powers of that office until such time as the Fire Marshal or a Deputy Fire Marshal arrives at the scene

SECTION IV: The duties of the Fire Marshal and the Deputy Fire Marshal shall be as described in the Fire Prevention Code herein adopted, and particularly Sections F-102 through F-105.

A. The Fire Marshal and Deputy Fire Marshals 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 V: 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 Marshal shall wish to enclose therein and such recommendations for amendments to the Code which in the Fire Marshal's judgement, shall be desirable.

SECTION VI: 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 VII: Whenever the Fire Marshal 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,

Section VII: (Continued)

the applicant may appeal from the decision of the Fire Marshal to the Fire Prevention Code Hearing Board within thirty days from the date of the decision appealed.

SECTION VIII: A. The limits referred to in Section F-2601.2 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 egress plan as required in Section F-1504.5 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 leasing to a public street and having a clear width of not less than ten feet.

1. The public way shall be marked with fire lanes and shall not be obstructed at any time by motor vehicles or other objects; and

2. 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 IX: TheFire Marshal 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 Marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION X: The Public Safety Committee and the Fire Marshal 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 XI: 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 "Code Official" are used in the Fire Prevention Code, they shall be held to mean the Fire Marshal and Deputy Fire Marshals.

SECTION XII: 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 Marshal 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 $500.00 and in default of payment of the fine or penalty and costs imposed, the violator may be sentenced and committed to the County Jail for a period not to exceed thirty 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.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION XIII: 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 XIV: 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 8th day of May, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ORDINANCE NO. 786

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RESURFACING OF VARIOUS STREETS

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I: The resurfacing of the following public roads is hereby authorized and directed:

A. SLURRY SEAL:

James Street
George Street
Nanette Drive
Maple Lane
Old Northern Pike

B. Resurfacing os such other streets as may be accomodated 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 220 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 14th day of August, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ORDINANCE NO. 787

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 542 BY PROVIDING
FOR CERTAIN USES FOR UNUSED SCHOOL BUILDINGS

The Township of Wilkins hereby ordains as follows:

SECTION I:

Article II of Ordinance No. 542 is hereby amended by adding to Table 201 the following use in the R-1, R-2 and R-4 residential districts:
Unused School Building

SECTION II:

Article VI is hereby amended by adding thereto the following definition:
602.28

UNUSED SCHOOL BUILDING:
A school building or former school building which in whole or in part is unused for public school purposes, may be used for any of the following private purposes:

(a) Educational purposes
(b) Recreational purposes
(c) Business offices or professional offices
(d) Financial institution

SECTION III:

The above uses are subject to the following conditions:

(a) One sign for each separate occupancy not in excess of three square feet in size may be displayed on the property, provided all signs are affixed to one common structure not exceeding one hundred square feet in size nor in excess of twenty feet in height.

(b) No sign shall be lighted directly or indirectly.

(c) No use shall begin prior to 7:00 A.M. or end after 9:00 P.M. prevailing time.

(d) No recreational use shall result in noise discernable beyond the property line of the subject property.

(e) No substantial change in exterior architecture or building size shall be permitted.

(f) The use shall comply with parking and general regulations of Ordinance No. 542.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 11th day of September, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ACADEMY OF MEDICINE

ORDINANCE NO. 788

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 643 BY AMENDING
SECTION 16 OF ARTICLE I.

THE TOWNSHIP OF WILKINS ORDAINS as follows:

SECTION I: Section 16 of Article I, Ordinance No. 643 is hereby amended by adding the following clause which establishes Cherry Way as a one-way street:

(g) Cherry Way from Greensburg Pike to Wallace Avenue - eastbound.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 13th day of November, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

ORDINANCE NO. 789

AN ORDINANCE OF THE TOWNSHIP OF WILKINS VACATING A PORTION OF LEAX LANE

THE TOWNSHIP OF WILKINS Ordains as follows:

SECTION I: That portion of Leax Lane identified as the "right of way to be vacated" on the Leax Lane Right-of-Way Vacation Plan prepared by Senate Engineering Company under date of October 18, 1989, is hereby vacated and deleted from the public road system of the Township of Wilkins.

The said Plan is adopted as part of this Ordinance and is on file in the Office of the Township Secretary, Municipal Building 110 Peffer Road, Wilkins Township Pennsylvania, where it may be examined by any interested person.

SECTION II: The written report of the Board of Commissioners and the said Plan shall be filed in the Office of the Clerk of Courts of the Court of Common Pleas of Allegheny County, Pennsylvania.

SECTION III: Notice of the passage of this Ordinance shall within ten (10) days of the date hereof be posted in conspicuous places along the line of the area vacated.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 27th day of November, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ORDINANCE NO. 790

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
PROVIDING FOR AUDIT OF TOWNSHIP ACCOUNTS
BY AN INDEPENDENT AUDITOR.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I: Audit of Township accounts as provided in the First Class Township Code shall hereafter be done by an independent auditor who shall be either a certified public accountant registered in Pennsylvania, a firm of certified public accountants so registered, or a competent public accountant or a competent firm of public accountants.

SECTION II: The independent accountant shall be appointed annually by resolution of the Board of Township Commissioners.

SECTION III: The independent accountant shall have and possess all the powers and perform all the duties provided by the First Class Township Code for elected auditors.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 11th day of December, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ORDINANCE NO. 791

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 355 BY PROVIDING FOR LENGTH OF SERVICE INCREMENTS AND REDUCTION OF THE SOCIAL SECURITY OFF-SET IN THE POLICE PENSION FUND, A WIDOWS AND CHILDRENS BENEFIT, REDEFINING SALARY AND PROVIDING FOR THE PENSION FUND CONTRIBUTION BY MEMBERS.

The Township of Wilkins Ordains as Follows:

SECTION I.

Section 6 of Ordinance No. 355, adopted March 1, 1965, as previously amended, is hereby further amended and as amended, is republished to provide as follows:

SECTION 6.

A. Payments made under the provisions of this Ordinance shall not be a charge on any other fund in the treasury of the Township of Wilkins or under its control, save the Police Pension Fund herein provided for. The basis for determining any pension payable under this Ordinance, following the retirement of any member of the force meeting the service and age qualifications of this Ordinance shall be as follows:

Monthly pension or retirement benefits shall be one-half (1/2) the monthly average salary of such member during the last thirty-six (36) months of employment and shall be payable to the member for as long as he lives. Such pension or retirement benefits for any month shall be computed as the sum of: (1) any pension benefits from pension plans heretofore established by a private organization or association for the members of the police force; (2) zero (0%) percent of the primary benefits under Federal Social Security laws for which the officer may be eligible because of age; and (3) benefits from the police pension fund established pursuant to this Ordinance to the extent necessary to bring the total benefits in any month up to one-half (1/2) of the aforesaid monthly average salary.

Upon the death of any member prior to retirement, a death benefit shall be paid to a designated beneficiary in accordance with the provisions of the Plan Agreement governing the Police Pension Benefits of The Township of Wilkins.

B. Effective on January 1, 1990, the unmarried widow of a member of the police force eligible to retire at the time of his death or the unmarried widow of a retired member who dies, or if no widow survives, or if she survives and subsequently dies or remarries, then the child or children under the age of eighteen (18) years of the member or retired member as aforesaid shall during her lifetime or so long as she does not remarry in the case of a widow, or until

reaching the age of eighteen (18) years in the case of a child or children, be entitled to receive a pension calculated at the rate of fifty per centum (50%) of the pension of the member was receiving or would have been receiving had he been retired at the time of his death.

C. Retired members, who have completed years of service with the Township, beyond twenty-five (25) years, shall receive a length of service increment of One Hundred ($100.00) Dollars per month.

D. As used herein, the word salary shall be defined as a fixed amount of money, paid at periodic intervals, including longevity pay, shift differential pay, pay for sick days actually utilized, and pay for unworked holidays.

Salary shall not be deemed to include amounts paid as overtime pay, court pay, accumulated unused sick days, uniform cost reimbursement or any other payment not defined as salary.

SECTION II.

Section 8 of Ordinance No. 355 is hereby amended, and as amended, is republished to provide as follows:

SECTION 8.

Commencing on July 1, 1989, members shall pay into the fund, monthly, an amount equal to five (5%) percent of monthly compensation.

SECTION III.

Any ordinance or part thereof in conflict with or inconsistent with the provisions of this Ordinance is hereby repealed.

SECTION IV.

This Ordinance shall be effective as of July 1, 1989 except for subsection B of Section 6.

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 26th day of December, 1989.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

By

President of the Board of Commissioners

ORDINANCE NO. 792

AN ORDINANCE OF THE TOWNSHIP OF WILKINS FIXING THE TAX RATE FOR THE YEAR 1990.

BE IT ORDAINED AND ENACTED, by the Board of Township Commissioners of the Township of Wilkins that a tax be and same is hereby levied on all real property within the Township of Wilkins subject to taxation for the fiscal year 1990 as follows:

TAX RATE FOR GENERAL PURPOSES: -

The sum of eighteen (18) mills on each dollar of assessed valuation or the sum of one hundred eighty (180) 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	18 Mills	180 Cents
Total	18 Mills	180 Cents

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.

RESOLVED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 26th day of December, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ORDINANCE NO. 793

AN ORDINANCE OF THE TOWNSHIP OF WILKINS APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED, FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT. HEREINAFTER SET FORTH DURING THE YEAR 1990.

BE IT ORDAINED AND ENACTED, by the Board of Township Commissioners of the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania:

SECTION I:

That the expenditures and expenses of the fiscal year 1990 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 1990 for the specific purposes as set forth:

Schedule A

BUDGET SUMMARY—ALL BUDGETED FUNDS

Account Number	Classification	Total All Budgeted Funds	Line No.
	Assets - January 1 , 1990		1
	Cash (including checking, savings, certificates of deposit, money market funds, etc.	1,009,710.	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 , 1990	1,009,710.	9
	Revenues and Other Financing Sources		10
300	Taxes (from Schedule C)	1,665,108.	11
320	Licenses and Permits	22,500.	12
330	Fines and Forfeits	26,000.	13
340	Interest, Rents, and Royalties	56,718.	14
350	Intergovernmental Revenue	238,279.	15
360	Charges for Services (Departmental Earnings)	29,750.	16
380	Miscellaneous Revenues	78,939.	17
390	Other Financing Sources (Inter-Fund Transfers)	90,000.	18
	Total Revenues and Other Financing Sources (sum of lines 11 thru 18)	2,207,294.	19
	Total Available for Appropriation (sum of lines 9 and 19)	3,217,004.	20
	Expenditures or Expenses and Other Financing Uses		21
400	General Government	283,300.	22
410	Public Safety (Protection to Persons and Property)	1,114,006.	23
420	Health and Welfare (San Sewers-Waterline Const)	106,500.	24
	Public Works—		25
426	Sanitation		26
430	Highways, Roads, and Streets	675,875.	27
440	Other		28
450	Culture—Recreation	18,038.	29
460	Conservation and Development		30
470	Debt Service	112,429.	31
480	Miscellaneous Expenditures or Expenses	10,000.	32
490	Other Financing Uses (Sinking Fund Transfer	90,000.	33
	Total Expenditures or Expenses and Other Financing Uses (sum of lines 22 thru 33)	2,410,148.	34
	Assets - December 31, 1990	3,217,004.	35
	Less Liabilities - December 31 , 1990	2,410,148.	36
	Less Reserves - December 31		37
	Unappropriated Fund Equity (line 35 less lines 36 and 37)	806,856.	38
	Total Appropriated and Unappropriated (sum of lines 34 and 38)	3,217,004.	39

BUDGET SUMMARY—ALL BUDGETED FUNDS

Schedule A

Line No.	GOVERNMENTAL FUNDS					Sinking Fd	Police Pension
		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	240,076.	1.	262.	18,142.	44,856.	221,373.	485,000.
3							
4							
5							
6							
7							
8							
9	240,076.	1.	262.	18,142.	44,856.	221,373.	485,000.
10							
11	1,665,108.						
12	22,500.						
13	26,000.						
14	20,000.	2,200.	18.	1,500.	3,000.	10,000.	20,000.
15	51,360.	89,371.		7,500.	50,000.		40,048.
16	18,750.				11,000.		
17	35,500.				21,784.		21,655.
18						90,000.	
19	1,839,218.	91,571.	18.	9,000.	85,784.	100,000.	81,703.
20	2,079,294.	91,572.	280.	27,142.	130,640.	321,373.	566,703.
21							
22	264,408.			13,892.			5,000.
23	1,112,756.			1,250.			
24					106,500.		
25							
26							
27	584,023.	91,572.	280.				
28							
29	18,038.						
30							
31					21,784.	90,645.	
32	10,000.						
33	90,000.						
34	2,079,225.	91,572.	280.	15,142.	128,284.	90,645.	5,000.
35	2,079,294.	91,572.	280.	27,142.	130,640.	321,373.	566,703.
36	2,079,225.	91,572.	280.	15,142.	128,284.	90,645.	5,000.
37							
38	69.	-0-	-0-	12,000.	2,356.	230,728.	561,703.
39	2,079,225.	91,572.	280.	27,142.	130,640.	321,373.	566,703.

SECTION II: That any Ordinance conflicting with this Ordinance be and the same affects this Ordinance.

RESOLVED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 26th day of December, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

ORDINANCE NO. 794

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

SECTION I: The annual compensation of the Township of Manager shall be set at $32,133.00 effective January 1, 1990.

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

SECTION III: Any Ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

RESOLVED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 26th day of December, 1989.

TOWNSHIP OF WILKINS

By George Porado
George Porado
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

[redacted] [redacted] [redacted]

TOWNSHIP OF WILKINS

ORDINANCE NO. 795

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 1. 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 2. 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 identified by block and lot, deed book volume and page number, viz:

OWNER	DEED REGISTRY BLOCK & LOT	DEED BOOK VOL. & PAGE
John T. Trevaskis, his heirs or assigns	374-H-176	1462-305
Hayden Cohen and Dorothy Cohen, his wife, their heirs or assigns	374-D-234	3651-433
Edward J. Butler, his heirs or assigns	455-E-07	3680-253
Daniel J. Sullivan and Claire A. Sullivan, his wife, their heirs or assigns	455-E-53	7592-101

SECTION 3. 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 Townhip Secretary at the Municipal Building, 110 Peffer Road, Wilkins Township, where same may be examined by any interested person.

SECTION 4. The proper Township agents and employees shall attempt to obtain the necesary easements by gift or purchase upon terms and conditions approved by the Board of Commissioners.

SECTION 5. When necessary, the Township Solicitor is directed to prepare, file and serve Declarations of Taking upon the aforesaid property owners in accordance with the law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 26th day of December, 1989.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

By George Porado
President of the Board of Commissioners

ORDINANCE NO. 796

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF APPROXIMATELY TWO HUNDRED SIXTY FEET OF SIX INCH WATER MAIN WITHIN THE RIGHT OF WAY OF RIDGE STREET, 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 Ridge Street in the Township of Wilkins and located on Ridge Street as more particularly shown on the plan prepared by Wilkinsburg-Penn joint Water Authority and dated July 12, 1989, which plan is made a part of this Ordinance and is on file in the office of the Township Secretary, 110 Peffer Road, Wilkins Township PA where it may be examined by an interested person.

SECTION II: The said water main on Ridge Street shall be six (6) 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 Wilkinsburg-Penn Joint Water Authority on specifications prepared by Wilkinsburg-Penn Joint Water Authority.

SECTION IV: The Township of Wilkins hereby designates the Turtle Creek Valley Council of Governments as its agent for the purpose of executing contracts and overseeing the work of construction; and the Township of Wilkins shall contract with the Wilkinsburg-Penn Joint Water Authroity 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 for purposes of implementing this Ordinance.

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 in Ridge Street, twenty-five (25) 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. Seventy-five (75) percent of the unfunded cost of the project shall be paid by the Township.

SECTION VII: No assessment shall be collected fron any property owner, who by proper documentation establishes that the property is owned and occupied by persons qualifying as a low and moderate income household as established by the United States Department of Housing and Urban Development.

ORDAINED AND ADOPTED by the Commissioners of Wilkins Township at a duly assembled meeting held this 12th day of February, 1990.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

UNIVERSITY OF MICHIGAN LIBRARIES

ORDINANCE NO. 797

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 399 TO PROVIDE FOR
FIXING OF A QUORUM OF THE RECREATION BOARD AND
PROVIDING FOR REMOVAL OF BOARD MEMBERS FOR NONFEASANCE.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION 3 of Ordinance No. 399, adopted March 6, 1967, is hereby amended by adding to Section 3 the following clauses:

(a) Two (2) members of the Board shall constitute a quorum for the transaction of any business at any meeting, and the Board's By-Laws shall so provide.

(b) Absence of any Board member at three (3) consecutive regular Board meetings or at one-half (1/2) the regularly scheduled meetings in any calendar year may constitute nonfeasance of duty and may be grounds for removal by the Township Board of Commissioners.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of March 1990.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

[redacted] [redacted] [redacted]

ORDINANCE NO. 798

AN ORDINANCE OF THE TOWNSHIP OF WILKINS DEFINING AND PROHIBITING DANGEROUS STRUCTURES AND BUILDINGS WHICH CONSTITUTE PUBLIC NUISANCES; ESTABLISHING STANDARDS FOR REPAIR, VACATION AND DEMOLITION THEREOF; DETERMINING THE DUTIES OF THE ENFORCEMENT OFFICER AND AUTHORIZING HEARINGS BY THE BOARD OF COMMISSIONERS; PROVIDING FOR ABATEMENT PROCEDURES IN EMERGENCY AND NORMAL CIRCUMSTANCES; PROHIBITING THE REMOVAL OF NOTICES AND PRESCRIBING PENALTIES FOR VIOLATION.

The Township of Wilkins hereby ordains:

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

BUILDING - an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

DANGEROUS BUILDING - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

2. Those which, exclusive of the foundation, show damage or deterioration to thirty-three percent (33%) of the supporting member or members, or damage or deterioration to fifty percent (50%) of the nonsupporting enclosing or outside walls or covering;

3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

4. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;

5. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;

6. Those which have parts thereof which are so attached that they may fall and injure property or members of the public;

7. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public;

8. Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public:

9. Those existing in violation of any provision of the building code, fire prevention code, or other ordinances of the Township.

10. Those which have been inspected by the fire department and found to be fire hazards by reason of age, condition, dilapidation, obsolescence or abandonment.

DWELLING - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

ENFORCEMENT OFFICER - the zoning officer, building inspector, fire official or any other person designated by the Board of Commissioners to enforce Township ordinances.

EXTERMINATION - control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as their food, poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

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

GOVERNING BODY - The Township Board of Commissioners.

INFESTATION - presence, within or around a dwelling, of any insects, rodents or other pests.

MUNICIPALITY - The Township of Wilkins.

OWNER - person who, alone or jointly or severally with others:

1. shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

2. shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, 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 with rules and

regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON - any individual, firm, corporation, association or partnership, or other legal entity.

PROPERTY - a piece, parcel, lot or tract of land.

RUBBISH - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

STRUCTURE - anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

Whenever the words "dwelling", "dwelling unit", or "premises", are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof".

SECTION II. DANGEROUS BUILDINGS DECLARED NUISANCES. All dangerous buildings within the terms of section I of this ordinance are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided.

SECTION III. STANDARDS FOR REPAIR, VACATION, OR DEMOLITION. The following standards shall be followed in substance by the Enforcement Officer in ordering repair, vacation, or demolition:

1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered to be repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.

3. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.

4. If the dangerous building, whether or not vacant, has not been repaired in accordance with the notice and order herein provided, and if it is in such condition as to make it dangerous to the health, safety, morals or general welfare of its occupants or of the public, and the vacation of the

building would not eliminate such condition, it shall be ordered to be demolished.

SECTION IV. DUTIES OF ENFORCEMENT OFFICER.

1. The Enforcement Officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of section I above.

2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Enforcement Officer shall issue a written notice to the person or persons responsible therefor. The notice:

   (a) shall be in writing;

   (b) shall include a statement of the reasons it is being issued;

   (c) shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure;

   (d) shall be served upon the owner, or his agent, or the occupant, as the case may require;

      (i) Except in emergency cases and where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.

      (ii) Except emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices or orders provided for herein shall be sent by certified mail to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

   (e) may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this ordinance and with the rules and regulations adopted pursuant thereto;

(f) shall contain notice of the right to appeal to the governing body.

3. Appear at all hearings conducted by the Governing Body or Hearing Officer and testify as to the condition of dangerous building.

SECTION V. HEARINGS.

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, may request and shall be granted a hearing on the matter before the Governing Body, or a Hearing Officer appointed by the Governing Body; provided, that such person shall file with the Municipal Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Municipal Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed.

2. After such hearing the Governing Body or Hearing Officer shall sustain, modify or withdraw the notice. If the Governing Body or Hearing Officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this ordinance shall automatically become an order if a written petition for a hearing is not filed with the Municipal Secretary within ten (10) days after such notice is served.

3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code.

SECTION VI. REMOVAL OF NOTICE PROHIBITED. No person shall remove or deface the notice of dangerous building, except as provided in section III.3.

SECTION VII. EMERGENCY CASES. Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this ordinance have been complied with, the Enforcement Officer shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

SECTION VIII. ABATEMENT BY TOWNSHIP. If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Enforcement Officer within the time specified in the notice issued by him and no petition for a hearing is filed within ten (10) days thereafter, or following a hearing by the Governing Body or Hearing Officer where the order is sustained thereby, the Enforcement Officer shall cause such building

or structure to be repaired, vacated, or demolished, as determined by the Governing Body or Hearing Officer in accordance with the standards hereinbefore provided. The Township may collect the cost of such repair, vacation or demolition together with a penalty of ten percent (10%) of such cost, in the manner provided by law. Or the Township may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

SECTION IX. PENALTIES. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding ONE THOUSAND DOLLARS ($1,000.00), and in default of payment thereof to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

SECTION X. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION XI. SEVERABILITY. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Governing Body that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 9th day of April, 1990.

ATTEST:

Francis R. Kuszajewski

Francis R. Kuszajewski
Secretary

TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President of the Board of Commissioners

ORDINANCE NO. 799

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF APPROXIMATELY 475 FEET OF 8 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 and located in Brown Avenue as more particularly shown on the plan prepared by Wilkinsburg-Penn Joint Water Authority and dated September 12, 1983, which plan is made a part of this Ordinance and is on file in the office of the Township Secretary, 110 Peffer Road, Wilkins Township PA where it may be examined by any interested person.

SECTION II The said water main on Brown Avenue shall be 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 Wilkinsburg-Penn Water Authority on specifications prepared by Wilkinsburg-Penn Joint Water Authority.

The proper Township Officials are hereby authorized to execute and deliver an Agreement with the Wilkinsburg-Penn Joint Water Authority for purposes of implementing this Ordinance.

SECTION IV The costs and expenses for said improvement shall be paid for from funds now or hereafter in the Treasury of the Township of Wilkins, the withdrawal of which is hereby authorized and directed.

SECTION V Upon the completion and construction of said water main in Brown Avenue, twenty-five (25%) percent of the cost thereof 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. Seventy-five (75%) percent of the unfunded cost of the project shall be paid by the Township of Wilkins.

ORDAINED AND ADOPTED at a duly assembled public meeting of the Board of Commissioners of the Township of Wilkins held the 9th day of April, 1990.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:
Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

[redacted] [redacted] [redacted]

ORDINANCE NO. 800

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 643 BY REPEALING
AND RE-ENACTING SECTION 2 OF ARTICLE I

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I Section 2 of Article I, Ordinance No. 643 is hereby repealed and re-enacted as follows:

Section 2. Manner of Adopting Permanent Traffic and Parking Regulations.

The Township of Wilkins shall adopt all traffic and parking regulations of a permanent nature:

A. By enactment of an ordinance; or

B. By action of the Chief of Police of Wilkins Township. The Chief of Police is by this Section authorized and directed to impose such traffic regulations as may be specified from time to time by the Board of Commissioners of Wilkins Township by Resolution. Such Resolution may direct the Chief of Police to regulate traffic or parking through exercise of any of the powers specified at 75 PA C.S.A. §6109(a). Regulations of traffic or parking so imposed shall be deemed to have been authorized and imposed by this ordinance and by action of a public official authorized to act on specified matters in accordance with the provisions of 75 PA. C.S.A. §6109(b)(2).

C. In such other manner as may be authorized by law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 9th day of April, 1990.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 801

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
GOVERNING THE USE OF THE TOWNSHIP PARK
AND PARKLET FACILITIES AND THE CONDUCT OF
THE VISITORS TO AND PATRONS OF SAID FACILITIES

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION 1: DEFINITIONS

The following terms, as used in this ordinance shall mean:

The words "department areas" means any and all parks or recreational facilities controlled or managed by the Township of Wilkins.

"Agency" means the Township of Wilkins or the Township Recreation Board.

"Director" means the Township Manager.

"Authority" means the Board of Commissioners

SECTION II: OPENING AND CLOSING HOURS

The Township Parks and Parklets shall be closed to department visitors from dusk until dawn, with the following exception:

A. A group with a written contract signed by the Director, or an authorized representative, giving permission for the use of a facility to a specified hour beyond dusk.

In addition to the general closing of department facilities from dusk to dawn, the individual facilities in those parks will be closed from dusk to dawn unless such facility is staffed, and open to serve department visitors or specific permission is granted by the Director.

SECTION III: EMERGENCY CLOSING OF PARKS

No person or persons may enter any area of the department at any time that the area has been closed on order of the Director or his authorized representative.

SECTION IV: VEHICULAR TRAFFIC

No person shall drive or propel or cause to be driven or propelled along or over any road within the department areas, any vehicle at a greater rate of speed than (15 miles per hour), unless otherwise posted. No person shall drive any vehicle on any area except the paved roadways or parking areas or such other areas as may on occasion be specifically designated as temporary parking area by the Director.

The state laws relating to lights on vehicles and all standards required by state law shall apply to all vehicles within department areas.

The footpaths, pedestrian walks, nature trails, and all other trails, designated and established for pedestrian travel shall not be used for vehicular travel.

No persons, shall leave any vehicle in department facilities between dusk and daybreak without written permission from the Director or his authorized representative, unless said person is attending an event approved for extension beyond the dusk closing.

No person shall refuse to comply with any order or request relating to the regulations, direction or control of traffic, or to any other order to request lawfully given by a Police Officer, or other Department Official acting under the authority of the Agency.

No person may park a vehicle on a roadway or parking area in such a manner or under such conditions as to impede or obstruct the normal and safe flow of traffic. All handicapped parking spaces will be honored.

No person shall operate a motor vehicle in department areas without the use of a muffler adequate to deaden the sound of the engine in said vehicle.

No person may operate a vehicle in department areas which emits excessive noxious fumes or dense smoke.

No person operating a motor vehicle or other equipment in department areas may use a siren or other type of loud sounding device which makes unusually loud and unnecessary noise.

No person may operate a motor vehicle on a service drive except in making deliveries and servicing the facility to which such drive provides access.

SECTION V: MOTOR BIKES, DUNE BUGGIES AND OTHER SPECIAL MOTOR VEHICLES EXCEPT CONVENTIONAL MOTOR VEHICLES, AS PROPERLY REGISTERED AND LICENSED

The operation of these vehicles in the department areas is prohibited.

SECTION VI: BICYCLES

No person may operate a bicycle in department areas other than on the roadways, parking areas, and bicycle trails or other areas specifically designated for such use. The operation of bicycles is prohibited in and around the athletic fields while they are in use.

SECTION VII: PRESERVATION OF PROPERTY AND NATURAL FEATURES

No person shall injure, deface, disturb, or befoul any part of department areas or any building, sign, equipment, turf area, or other property found therein; nor shall any tree, flower, shrub, rock or other mineral be removed, injured, or destroyed.

No person shall intentionally accelerate or stop a motor vehicle causing the rubber tires to spin or slide, resulting in defacement of the surface of any department roadway or parking area.

SECTION VIII: DISORDERLY CONDUCT PROHIBITED

Disorderly conduct, as defined in the Pennsylvania Crimes Code of 1972 (18 Pa. C.S.A. § 5503), is hereby prohibited within the department areas. A person is guilty of disorderly conduct if he:

1. engages in fighting or in threatening, violent or tumultuous behavior;
2. makes unreasonable noise; or
3. creates a hazardous or physical offensive condition by any act which serves no legitimate purpose of the actor.

SECTION IX: UNLAWFUL ASSEMBLAGE

No person or persons shall collect in bodies or groups or engage in conduct of such nature as to annoy, harass, or interfere with other park visitors or interfere with the orderly operation of park facilities.

SECTION X: USE OF RECRETIONAL FACILITIES

The Agency shall establish fees and charges for the use of department recreational facilities and shall establish specific regulations governing their use. No person shall make use of the recreational facilities without paying the required fee and adhering to the rules and regulations governing use of said facility. The Agency will maintain an appropriate office with attendant where participants may register, pay fees, and secure rules and regulations governing use of said facility. All appropriate permits will be made available, upon request, at the recreational facility to an authorized Agency representative.

No person shall participate in a recreational acitivity other than at the facility specifically designed for same. The tennis courts are provided for tennis play only. All other court activities, including hockey, are prohibited.

The facilities at the various recreational areas of the department are provided for the convenience and comfort of thos making use of said recreational facilities. Facilities such as the Lions Park Park Shelter are to be used exclusively by persons participating in scheduled activities in that particular area of the park, as permitted, when applicable.

SECTION XI: PICNICKING

The picnic facilities in the Lions Park Shelter are primarily provided for use by families, local businesses, and organizations. Picnic facilities are not to be provided to groups, unless the group has made previous reservation for the site, including the time of arrival and departure. The individual or group must have a permit in its possession signed by a Department Official. Picnic facilities in Lions Park will not be made available for coctail or beer parties. The consumption of alcoholic beverages is prohibited on all department facilities and parking lots.

SECTION XII: CAMPS

No person shall establish or maintain any camp or other temporary lodging place within the park without specific permit from the Director or his authorized representative.

SECTION XIII: HUNTING

No person within the confines of department areas shall hunt, pursue with dogs, trap, molest, harm, harass, or injure any bird or animal found within the confines of the park, or molest any bird's nest or take the eggs of any bird.

SECTION XIV: ICE SKATING, SKIING, SLED RIDING

Sled riding and cross country skiing may occur in any area of the park. Police Officers may stop these activities if property is being damaged or other department rules are being broken; e.g., unauthorized fires, consumption of alcoholic beverages, etcetera. All sled riding must cease at dusk.

No person shall ice skate on any area not specifically designated for ice skating activity.

SECTION XV: PROFESSIONAL INSTRUCTION

No person other than authorized employes or volunteers of the Agency shall offer professional instruction in department activities.

SECTION XVI: SOLICITING

No person or persons shall beg, hawk, peddle, distribute or solicit or offer for sale any article, thing, paper, privilege, or service within any department facility; or circulate petitions within the facilities without a written permit from the Agency.

SECTION XVII: SIGNS

No person shall expose, distribute, or place any sign, advertisement, circular, notice, or statement or display any banner, emblem, or design within any department facility without a specific written permit from the Director.

SECTION XVIII: PROTECTION OF SPECIAL HORTICULTURAL FEATURES

No person or persons may walk, occupy, or in any way trespass on special horticultural plantings or specially designed landscaped areas.

SECTION XIX: REVOCATION OF PERMITS

The Director or his authorized representative has the authority to revoke any and all permits upon the finding of violation of any department rule or regulation by any person or persons.

SECTION XX: SUPERVISION OF CHILDREN

No parent or guardian may permit a child under eight years of age to make use of department facilities and areas without providing direct supervision for the entire period of the visit.

SECTION XXI: FIRES

No person or persons shall start a fire in any department facility except small fires for culinary purposes in department grills or privately owned grills in designated areas. All fires shall be extinguished by the person or persons starting or using the same before leaving the immediate vicinity of the fire. All requests for campfires must be approved, and proper notifications given, by the Director.

SECTION XXII: DOGS AND CATS

No person shall bring into or have or keep in any department area any animal, reptile, or bird except domesticated dogs or cats which must be held in control by leash. No person shall bring a dog, cat, or other domestic animal into municipal buildings designated by the Agency.

SECTION XXIII: GARBAGE, ASHES, REFUSE, SEWAGE, WASTE MATERIALS

No person or persons shall deposit, permit, or suffer to be deposited in any part of the department areas any garbage, ashes, sewage, refuse or any waste material whatsoever, otherwise than in receptables provided for such purposes; or dump any earth within the department without specific written permit from the Director.

No persons may haul or transport garbage, refuse, ashes or waste materials of any kind into the department areas for the purpose of disposing of same.

No person shall, either within or without the department areas, discharge into, throw, case, lay, drop or leave in any river, brook, stream, storm sewer or drain flowing into or through department areas, or into any river, brook or stream which may be tributary to any river, brook, or stream flowing into or through department areas, any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of the river, brook or stream within department areas to such an extent as to unreasonably or improperly prevent or interfere with the conservation of the natural resources of the department, by preventing, interfering with, or lessening, to an improper or unreasonable degree, the use of said river, brook or stream for recreational or other proper uses, or to endanger the health of visitors in department areas in the proper use and enjoyment of the same.

SECTION XXIV: FIREARMS, FIREWORKS, EXPLOSIVES

No persons or persons except law enforcement officers shall carry firearms of any description or air rifle, slingshot, or missile throwing device within department areas or discharge any firearms, fireworks, or explosive substances.

SECTION XXV: DRESS

No person shall appear at any place in any department area in clothing which unduly exposes the body.

SECTION XXVI: ERECTION OF STRUCTURES

No person or persons may construct or erect any building or structure of whatever kind, whether permanent or temporary in character.

SECTION XXVII: YOUTH GROUPS

Persons under the age of eighteen (18) may not assemble or gather in department areas without a chaperone approved by the Director or his authorized representative. A single use, youth group, application is required to be eompleted and reviewed for each usage.

School groups must submit written approval of school authorities for use of picnic sites, shelters, and other department areas. Adult chaperones must accompany such groups during their visits.

SECTION XXVIII: USE OF FURNISHINGS AND EQUIPMENT

No person or persons may remove any furnishings or equipment from any facility; or may they relocate or rearrange any furniture or equipment at any facility. No person or persons may use equipment for any purpose other than its intended use and may not remove said equipment from the facility, including tennis rackets, toys, games, ball sports and other equipment.

SECTION XXIX: LOITERING AND VAGRANCY

A. It shall be unlawful for any person to loiter, loaf, wander, stand, or remain idle either alone and/or in consort with others in any department areas in such manner so as to:

   1. Obstruct any road, lane, street, walkway, sidewalk, parking area or any other public place or building by hindering or impeding the free and uninterrupted passage of vehicles, traffic or pedestrians.

   2. Permit in or upon any public road, lane, street, walkway, sidewalk, parking area or any other public place or building any act or thing which is an obstruction or interference to the free and uninterruted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting any road, lane, street, walkway, sidewalk, parking area, or any other public place or building, all of which prevents the free uninterrupted ingress, egress, and regress therein, theron and thereto.

B. When any person commits or causes any of the conditions enumerated in item A above, a low enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

SECTION XXX: PENALTY NOTICES

A. Any person who violates any of the provisions of this Ordinance shall be subject to a fine not exceeding ($500.00 or by imprisonment not exeeding thirty days or both).

B. In addition to, or in lieu of the above Section A, any person who violates any of the provisions of this ordinance may be requested to leave the park premises. And will be subject to arrest under Section 1403 of the First Class Township Code.

C. Any person who is found to be a repeat offender of the provisions of this Ordinance may be banned from department areas for such period as may be specified by the Director.

Section XXX, "C" continued:

Such ban shall take effect upon written notice to such offender, given by Certified or First Class Mail, who shall have the right to appeal such ban to the Board of Commissioners within ten (10) days from receipt of said written notice, by serving written notice of such appeal on the Director. Such notice shall be transmitted to the Board. Which Board, or a hearing officer appointed by the Board, shall hear the appeal pursuant to the local agency law.

SECTION XXXI: SEVERABILITY

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this ordinance. It is hereby declared as the intent of the (Governing Body) that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled meeting held this fourteenth day of May, 1990.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:
Jeanne R. Kuzajewski

ORDINANCE NO. 802

AN ORDINANCE OF THE TOWNSHIP OF WILKINS DEFINING AND REGULATING THE SUBDIVISION OF LAND AND THE DEVELOPMENT THEREOF; ESTABLISHING PROCEDURES FOR THE CONSIDERATION OF MINOR AND MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS; REQUIRING THE PREPARATION OF SKETCH, PRELIMINARY, FINAL AND AS-BUILT PLANS; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER OR DEVELOPER AND ESTABLISHING DESIGN STANDARDS FOR IMPROVEMENTS; REGULATING SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES AND PUBLIC IMPROVEMENTS; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Township of Wilkins hereby ordains:

Part 1
GENERAL PROVISIONS

Section 101. Short Title. This ordinance shall be known as the Wilkins Township Subdivision and Land Development Ordinance.

Section 102. Purpose.

1. These regulations are adopted for the following purposes:

   A. To protect and provide for the public health, safety, and general welfare of the Township.

   B. To guide the future growth and development of the Township, in accordance with the Comprehensive Plan of the Township.

   C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

   D. To protect the character and social and economic stability of the Township and to encourage the orderly and beneficial development of the Township.

   E. To protect and conserve the value of land throughout the Township, and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

   F. To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

   G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic within the Township, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various

ORDINANCE NO. 802

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uses of land and buildings, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivision and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the community and value of the land.

K. To preserve the natural beauty and topography of the Township and to ensure appropriate development with regard to these natural features.

L. To provide for open spaces through efficient design and layout of the land.

M. And finally, to ensure that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided, and the new parcels thus created.

Section 103. Authority.

1. Authority of the Board of Commissioners. The Board of Commissioners of the Township is vested by law with the control of the subdivision of land and land development within the Township by Act 247 of 1968, the Pennsylvania Municipalities Planning Code, as amended. The Board of Commissioners shall retain the authority to approve all subdivision plans and land development plans as required herein, except minor subdivisions.

2. Authority of the Township Planning Commission. The Township Planning Commission is hereby designated by the Board of Commissioners as an agency which shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Board of Commissioners, and, when provided by ordinance, make other recommendations.

3. The Planning Commission shall render final approval of minor subdivisions without reference to the Board of Commissioners.

Section 104. Application of Regulations.

1. Subdivision Control. No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this Ordinance. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a

subdivision plan has been approved and recorded; and until the improvements required by the Board of Commissioners in connection therewith have either been constructed or guaranteed as herein provided in Section 612.

2. Land Development Control

A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to: the filing of preliminary and final plats, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by Resolution of the Board of Commissioners.

B. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

3. It is stated Township policy to review a development in one proceeding when possible. Therefore, when Township ordinances require a grading permit, the applicant for a grading permit (other than for a single residential lot) shall file a land development application as required by this ordinance but limited to compliance with Sections 402. A.A., B.B.-G.G., Section 506., Section 507., Section 512. and Section 513.

Section 105. Interpretation and Conflicts.

1. Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.

2. Conflict with Public and Private Provisions

A. Public Provisions. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. Private Provisions. This Ordinance is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Board of Commissioners in approving a subdivision or in enforcing this Ordinance, and such private provisions are not inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

Section 106. Modifications.

1. The Board of Commissioners may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

2. All requests for modification shall be in writing and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Ordinance involved and the minimum modification necessary.

3. The request for modification shall be referred to the Planning Commission for advisory comments.

4. The Board of Commissioners shall keep a written record of all action on all requests for modifications.

5. No modification shall be granted except after a public hearing by the Board of Commissioners. Notice of this public hearing shall be sent by certified mail or given by personal service to all owners of property located within one hundred (100) feet of the subdivision, and posted in conspicuous places.

Section 107. Preventative Remedies.

1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferror from such penalties or from the remedies herein provided.

2. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owners, vendee or lessee for the development of any such real property, the Township may require compliance with the

conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 108. Enforcement Remedies.

1. Any person, partnership, or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five Hundred ($500.00) Dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event, there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending the final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction in proceedings brought under this Section.

Section 109. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: Ordinance No. 275, as amended.

Section 110. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 111. Effective Date. This Ordinance shall become effective on the date of adoption by the Board of Commissioners.

Part 2
Definitions

Section 201. General Interpretation. Unless otherwise expressly stated, the following words shall for the purpose of this Ordinance, have the meaning herein indicated. The

present tense shall include the future, the singular number shall include the plural, words used in the masculine gender shall include the feminine and the neuter; the word "shall" is always mandatory; the word "may" is always permissive.

Section 202. Specific Words and Phrases.

ALLEY - A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a development plan.

BLOCK - An area, divided into lots, and usually bounded by streets.

BUILDING - A combination of materials to form a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers.

CARTWAY OR ROADWAY - The portion of a street or alley, improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

CONDOMINIUM - Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land, and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

COUNTY - The County of Allegheny, Pennsylvania.

COUNTY PLANNING COMMISSION - The Planning Commission of the County of Allegheny.

CUL-DE-SAC - A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

CUT - An excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEPARTMENT OF ENVIRONMENTAL RESOURCES (DER) - The Pennsylvania Department of Environmental Resources, its bureaus, divisions, departments and/or

agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

DESIGNATED FLOODPLAIN AREAS - A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100-year flood as designated in the Township Zoning Ordinance as amended.

DETENTION POND - An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

DEVELOPMENT PLAN - The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DRAINAGE - The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY - Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY - The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY - A private vehicular passageway providing access between a street and a private parking area or private garage.

DWELLING - Any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy.

EASEMENT - A grant of limited use of private land for a public or quasi-public purpose.

ENGINEER - A registered professional engineer in Pennsylvania designated by the Township.

ENGINEERING SPECIFICATIONS - The engineering criteria of the Township regulating the installation of any improvement or facility. In the absence of such Township engineering criteria, the applicable standards of the Allegheny County Subdivision and Land Development Ordinance shall apply.

EROSION - The removal of surface materials by the action of natural elements.

EXCAVATION - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

FILL - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

FLOOD PLAIN - The area along a natural watercourse which may from time to time be overflowed by water therefrom.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

BOARD OF COMMISSIONERS - The Board of Commissioners of Wilkins Township, Allegheny County, Pennsylvania.

GRADING AND DRAINAGE PLAN - A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

IMPROVEMENTS - Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts and street shade trees.

INTERIOR WALK - A right-of-way or easement for pedestrian use, extending from a street into a block or across a block to another street.

LAND DEVELOPMENT - Any of the following activites:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two (2) or more residential or nonresidential buildings, whether proposed intitially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets,

common areas, leaseholds, condominiums, building groups or other features;

B. A subdivsion of land.

C. "Land development" does not include development which involves:

(1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or

(2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.

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

LOT, CORNER - A lot abutting upon two or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension of a street, except that where any two (2) frontages shall each exceed one hundred and fifty (150) feet in length, either frontage may be designated as the "front" of the lot.

LOT, DOUBLE FRONTAGE - An interior lot which abuts streets in both the front and rear.

LOT, INTERIOR - A lot having side lot lines which do not abut on a street.

LOT, MINIMUM WIDTH - The distance between the side lot lines measured at the building set-back line.

LOT, NON-CONFORMING - A lot of record at the time of the adoption of this Ordinance, which by reason of area or dimension, does not conform to the requirements of this Ordinance.

LOT OF RECORD - A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Allegheny County, Pennsylvania.

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

MAINTENANCE GUARANTEE - Any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this Ordinance.

MAJOR SUBDIVISION - Any subdivision not classified as a minor subdivision.

MARKER - A wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

MINOR SUBDIVISION - The subdivision of land into not more than two (2) parcels located on an existing improved street that does not involve:

> Installation of improvements as required by this Ordinance; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with the Township's Comprehensive Plan, Zoning Ordinance, any portion of this Ordinance or other State, County or Township ordinances, laws or regulations.

MOBILEHOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

MOBILEHOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MONUMENT - A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

TOWNSHIP - The Township of Wilkins, Allegheny County, Pennsylvania.

MUNICIPAL AUTHORITY - A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945".

MUNICIPALITIES PLANNING CODE - Act of Assembly of July 31, 1968, P.L. 805, as amended.

ONE HUNDRED YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years.

OWNER - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the owner, or other persons having a proprietary interest in the land, shall be deemed to be an owner for the purpose of this Ordinance.

PERFORMANCE GUARANTEE - Any security which may be in lieu of a requirement that certain improvements be made before the Board of Commissioners approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

PERSON - An individual, partnership, corporation, or other legally recognized entity.

PLAN, FINAL - A complete and exact subdivison plan or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAN, PRELIMINARY - A tentative subdivision plan or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

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

PLAN, SOIL EROSION & SEDIMENTATION CONTROL - A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

PLANNING COMMISSION - The Planning Commission of the Township of Wilkins.

PLAT - A map or plan of a subdivision or use indicating the location and boundaries of individual properties.

PUBLIC GROUNDS - Includes:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;

B. Sites for schools sewage treatment, refuse disposal and other publicly owned or operated facilities; and

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Board of Commissioners or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq.

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

REGULATORY FLOOD ELEVATION - The 100-year flood elevation plus a freeboard safety factor of one and one half (1-1/2) feet.

RESERVE STRIP - A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

RESIDENT PROPPERTY OWNER - Any individual maintaining a voting address in the Townhip, within one thousand (1,000) feet of the proposed subdivision, owning real estate in his own or joint names.

RE-SUBDIVISION - Any subdivision or transfer of land, laid out on a plan which has been approved by the Township which changes or proposes to change property lines and/or public right-of-way not in strict accordance with the approved plan.

RIGHT-OF-WAY - Land legally dedicated for public purposes, including, but not limited to, a street, alley or interior walk.

RUNOFF - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited or remains suspended in water it is usually referred to as "Sediment."

SEPTIC TANK - A watertight tank in which raw sewage is broken down into solid, liquid and gaseous phases to facilitate further treatment and final disposal.

SETBACK (BUILDING SETBACK LINE) - The line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way, and the line defining side and rear yards where required.

SEWAGE DISPOSAL SYSTEM, ON SITE - A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

SEWAGE DISPOSAL SYSTEM, PUBLIC - A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SHOULDER - The portion of a roadway (cartway) between the curb or gutter and the travelway intended for emergency and parking use.

SIGHT DISTANCE - The extent of ubobstructed vision, in a horizontal or vertical plane, along a street, as defined in section 504 of this Ordinance.

SLOPE - The face of an embankment of a cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL PERCOLATION TEST - A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular

traffic or pedestrians whether public or private.

A. Local Access Streets are those used primarily to provide access to abutting properties.

B. Collector Streets are those which, in addition to giving access to abutting properties, intercept local access streets and provide routes to community facilities and to arterial streets.

C. Arterial Streets are those serving large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

D. Marginal Access Streets are minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with the arterial street.

E. Half Or Partial Street is a street generally parallel and adjacent to a property line having a lesser right-of-way width than normally required for satisfactory improvements and use of the street.

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

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED - Where in the judgment of the Township Engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR - A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE - A low-lying stretch of land characterized as a depression used to carry surface water runoff.

TOP SOIL - Surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

UNDEVELOPED LAND - Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

UNIT - A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

WATER FACILITY - Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

WATER SURVEY - An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

WATERCOURSE - A stream of water, river, brook, creek, or a channel or ditch for water, whether natural or man-made.

Part 3
Procedures

Section 301. General Procedure.

1. Classification of Subdivision. Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the Owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development.

2. Pre-Application Consultation. Prior to filing an application for approval of a subdivision or land development within the Township, the Owner or his authorized agent shall meet with the Township Engineer for an official classification of his proposed subdivision or land development. The Township Engineer shall determine whether the proposal shall be classified as a minor subdivision, a major subdivision or a land development. At this time, the Township Engineer shall advise the Owner or his authorized agent as to which of the procedures contained herein must be followed.

3. Official Filing Date

A. For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Planning Commission next following the date the application and plans are received in the Office of the Township Secretary, Municipal Building. Provided that, should said regular meeting occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth day following the day the application has been submitted.

B. Upon receipt of an application for subdivision or land development approval, the Township Secretary or the Secretary's designated agent shall affix to the application the official filing date.

4. County Planning Commission Review. All plans shall be submitted to and reviewed by the County Planning Commission in accordance with its then

prevailing rules and regulations. The Township shall forward to the subdivider a copy of any report of the County Planning Commission. The Township Secretary shall mail a copy of the preliminary plan to the County Planning Commission forthwith upon filing by a developer.

Section 302. Fee Schedule.

1. All filing, inspection and engineering fees shall be submitted to the Township.

2. Plan Filing Fee. A filing fee shall accompany the preliminary plan. No application shall be accepted or acted upon unless payment is made to the Township. The Board of Commissioners shall create by resolution a schedule of fees to be paid by the subdivider or land developer to defray the cost of administering and processing of plans. The schedule of fees may be changed from time to time by resolution of the Board of Commissioners.

3. Review Fees

A. Review fees shall include the reasonable and necessary charges by the Township's professional consultants or engineer for review and report to the Township, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

(2) If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20)

days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by $1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

4. An applicant shall, by filing a plan, be then obligated to pay the fees herein provided. The engineering fees required to be paid by this Section shall be promptly submitted to the Township by the applicant upon the submission of bills therefor to the applicant from time to time by the Board of Commissioners.

SECTION 303. Minor Subdivision Procedure.

1. Minor subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 403 and shall be otherwise reviewed in accordance with the procedures and standards of Section 304; provided that final approval of minor subdivisions shall be made by the Planning Commission.

2. Additional Subdivision. Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed to be a major subdivision and shall follow the procedure applying thereto.

Section 304. Major Subdivision and Land Development Procedure.

1. Sketch Plan. Prospective subdividers and developers are strongly urged to discuss possible development sites with the Planning Commission prior to submission of a preliminary plan. A sketch plan shall be presented for review not less than ten (10) days prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of a subdivision or land development plan with the Board of Commissioners. Sketch plans should include those items listed in Part 4, Plan Requirements.

2. Preliminary Plan

A. Submission of Preliminary Plans

(1) The preliminary plan and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Ordinance. It is the responsiblility of the subdivider or developer to coordinate his plans with the respective private and public service agencies.

(2) The application form shall be accompanied by the requisite fee as set forth in Section 302 of this Ordinance and by not less than three (3) copies of all required material and not less than nine (9) prints of the preliminary plan of the subdivision or development as required by Township resolution from time to time.

(3) The Township Engineer shall forward one (1) copy of the preliminary plan prints and one (1) copy of the required material to the County Planning Commission and such other agencies as he deems appropriate for review and comment.

(4) The Engineer shall forward the remaining copies of the preliminary plan prints and required materials to the Planning Commission.

(5) When applicable, the application form shall be accompanied by a Planning Module for Land Development, as required by the Pennsylvania Department of Environmental Resources.

B. Review of Preliminary Plans

(1) In cases where the subdivision or land development adjoins an existing or proposed state highway or has proposed streets entering onto state highways, the developer shall submit the plans to the Pennsylvania Department of Transportation for review.

(2) The Planning Commission will consider the plan to determine if it meets the standards set forth in this Ordinance and the Township Zoning Ordinance.

(3) The Planning Commission shall act on the Preliminary Plan within sixty (60) days of the official filing date, but in any event shall act on the plan in time for the Board of Commissioners to render their decision within ninety (90) days from the official filing date. In the event that any variance from this Ordinance is requested by the applicant or is deemed necessary for approval, the variance and the reasons for its necessity shall be entered into the records of the Board of Commissioners.

(4) The Planning Commission shall act on minor subdivisions pursuant to Section 508 of the Municipalities Planning Code.

C. Planning Commission Recommendation

(1) The Planning Commission shall recommend whether the Preliminary Plan shall be approved, approved with modifications, or disapproved, and shall notify the Board of Commissioners in writing thereof, including, if disapproved, a statement of reasons for such action.

(2) In making its recommendation, the Planning Commission shall consider the recommendations of the Township Engineer, Township Staff, the County Planning Commission, interested residents, and

the recommendations of any agency or agencies from which a review was requested under subsection 304(2)(A)(3) of this Ordinance.

D. Engineer Review. All plans shall be reviewed by the Township Engineer, which review shall precede the transmission of such plans to the Board of Commissioners.

E. Resubmission of Preliminary Plans. A revised plan submitted after disapproval shall be considered and processed as a new plan submission.

F. Approval of Preliminary Plans

(1) The Board of Commissioners shall act on the preliminary plan within ninety (90) days of the official filing date. Failure to do so shall be deemed an approval. Before acting on a preliminary plan, the Board of Commissioners may hold a hearing thereon after public notice.

(2) The Board of Commissioners shall notify the applicant of its decision to approve, approve with conditions, or disapprove the preliminary plan in writing. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions acceptable to the developer and accepted by him in writing or disapproved, the Board of Commissioners shall specify in their notice the conditions which must be met and/or the defects found in the plan, and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.

(3) Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the subdivider or developer to the general scheme of the subdivision shown, unless a revised preliminary plan is submitted, and permits the subdivider to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan.

3. Final Plan

A. Submission of Final Plans

(1) After the subdivider or developer has received official notification from the Board of Commissioners that the preliminary plan has been approved, he must submit a final plan in accordance with the provisions of Section 508 of the Municipalities Planning Code.

(2) The final plan shall conform in all respects with the approved preliminary plan. If it does not, the plan submitted shall be

considered as a revised preliminary plan and shall be forwarded by the Township Engineer to the Planning Commission for review and recommendation as a preliminary plan.

(3) The subdivider or developer must submit with the final plan a guarantee for the installation of improvements which meets the requirements of Part 6.

(4) The application form shall be accompanied by the requisite inspection and engineering fees in accordance with Section 510 of the Municipalities Planning Code.

(5) Documented approval of the Planning Module for Land Development by the Pennsylvania Department of Environmental Resources shall be a part of the requisite materials accompanying the Final Plan submission.

(6) The subdivider or developer shall submit a reproducible original of the plans, nine (9) prints of the final subdivision or land development plans and at least three (3) copies of all other required information.

(7) Upon receipt of the final plan, the Engineer shall forward the original plans and five (5) copies of the plans and one (1) copy of all the other material to the Planning Commission for review and recommendation; one (1) copy of the plan and one (1) copy of all other material to the County Conservation District for review and comments; one (1) copy of the plan and one (1) of all other material to the County Planning Commission; and copies to such other agencies whose recommendations would be pertinent to the processing of the plan.

B. Review of Final Plans

(1) The Planning Commission will review the plan and requisite materials for compliance with the approved preliminary plan and for conformance to the requirements of this Ordinance.

(2) The Planning Commission shall act on the final plan within sixty (60) days of the official filing date.

(3) The Planning Commission shall act on minor subdivisions pursuant to Section 508 of the Municipalities Planning Code.

C. Planning Commission Recommendation

(1) The Planning Commission shall recommend whether the final plan shall be approved, approved with modifications, or disapproved, and shall notify the Board of Commissioners in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action.

(2) In making its recommendation, the Planning Commission shall consider the comments of the Engineer, the County Planning

Commission, the County Conservation District, PennDOT, and the recommendations of any agency or agencies from which a review was requested under subsection 304(3)(A)(7).

D. Township Engineer Review. All plans shall be reviewed by the Township Engineer, which approval shall precede the transmission of such plans to the Board of Commissioners.

E. Resubmission of Final Plans. A revised plan submitted after disapproval shall be considered and processed as a new plan submission.

F. Approval of Final Plans

(1) The Board of Commissioners will not take official action to approve a Final Plan unless it is accompanied by a guarantee for the installation of improvements which meet the requirements of Part 6.

(2) The Board of Commissioners shall take action within ninety (90) calendar days from the official filing date of the final plan. Failure to do so shall be deemed an approval.

(3) The Board of Commissioners shall notify the applicant in writing of its decision to approve, approve with conditions acceptable to the developer and accepted by him in writing, or disapprove, the final plan. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the final plan is disapproved, the Board of Commissioners shall specify the defects found in the plan and the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled.

(4) If the final plan is approved subject to conditions, the Board of Commissioners shall not endorse the plan until all of the conditions have been met.

(5) If the Board of Commissioners approves the final plan or grants a conditional approval, they shall set the amount of bonding or other security necessary to guarantee the construction of improvements and community facilities and shall state such amount in the notice to the applicant.

G. Recording of Final Plans

(1) Upon approval of the final plan, the subdivider or developer shall prepare one (1) transparent reproduction of the original final plan on stable plastic base film and no less than four (4) prints thereof which shall be submitted to the Township not later than thirty (30) days after approval. These plans, upon satisfaction of all conditions attached to the approval, will be signed by the Board of Commissioners, or in the case of minor subdivisions, by the Planning Commission. A copy of the signed final plan shall be recorded in the office of the County Recorder of Deeds within

ninety (90) days after approval of the final plan. The final plan must be recorded before proceeding with the sale of lots or construction of buildings.

(2) Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided. The approval of the final plan shall not impose any duty upon the Board of Commissioners or Township concerning maintenance or improvements by ordinance or resolution.

(3) The subdivider shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the Owner, and the Township shall assume no responsibility for improvement or maintenance thereof; which fact shall be noted on the final plan.

Part 4
Plan Requirements

Section 401. Sketch Plan.

1. A sketch plan may be submitted by the subdivider or developer as a basis for informal discussion with the Planning Commission, which may comment upon such sketch plan, but no approval or disapproval shall be given.

2. Data furnished in a sketch plan shall be at the discretion of the subdivider. For fullest usefulness, it is suggested that a sketch should include the following information:

A. Tract boundaries

B. Location within the Township

C. North point

D. Streets on and adjacent to the tract

E. Significant topographical physical features including floodplains if any.

F. Proposed general street layout

G. Proposed general lot layout, including location of proposed open space and other preservation areas.

3. A subdivision sketch plan need not be to scale nor are precise dimensions required.

Section 402. Preliminary Plan.

1. The preliminary plan shall be at a scale of not more than one hundred (100) feet to the inch.

2. The preliminary plan shall show or be accompanied by the following information:

A. Proposed subdivision or land development name or identifying title.

B. Township name

C. North point, scale and date of preparation

D. Name(s) and addresses of the owner(s) of the property, including reference to deed book, volume and page of current legal owner.

E. Name of the registered engineer or surveyor or other person responsible for the plan.

F. Tract boundaries, with bearings and distances.

G. Existing contours at vertical interval of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.

H. Datum to which contour elevations refer shall be U.S. Coast and Geodetic Survey datum. (Township will furnish elevations of nearest known bench marks.)

I. All existing water courses, floodplains or tree masses and other significant natural features.

J. All existing buildings, sewers, water mains, culverts, petroleum or petroleum products lines, fire hydrants and other significant man-made features.

K. All existing streets on or adjacent to the tract, including name, right-of-way width and cartway width.

L. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.

M. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions and areas of all lots; proposed minimum set-back line for each street; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed street names; proposed watercourses and detention ponds; proposed phasing of land development; typical section of all streets.

N. Total acreage, number of lots, average lot size, density, open space and existing zoning classification.

O. Names of owners of all adjoining properties and the names of all abutting subdivisions.

P. A location map, at a scale of four hundred (400) feet to the inch, showing the proposed development and adjoining areas, will be required.

Q. Where the preliminary plan covers only a part of the subdivider's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.

R. Where applicable, a Plan Revision Module for Land Development shall be the responsibility of the applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources. The completed module shall accompany the preliminary plan submission.

S. When on-lot water supply is proposed, the location of all well sites shall be shown.

T. When required by Section 512 of this Ordinance, a proposed soil erosion and sedimentation control plan shall be submitted.

U. When required, the information required by Section 513 of this Ordinance, which may be a separate plan, shall be submitted.

V. Block for signatures of the reviewing agency membership and date of recommendation.

W. Block for signatures of the Board of Commissioners and date of approval.

X. Land development plans shall show building locations and parking areas in addition to the above information.

Y. A letter from the subdivider specifically requesting any waiver from the regulations herein established and citing the reasons for same.

Z. Water Supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Commissioners that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission of an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

A.A. A report on steep slopes, including a description of existing soils and vegetation and methods to prevent disturbance and otherwise comply with the provisions of this ordinance.

B.B. A report including a map supplied by the Pennsylvania Department of Environmental Resources, Bureau of Mines, showing the location of mines under the development or within five hundred (500) feet thereof. The report shall indicate how the development will affect or be affected by any mines with particular concern to public health, safety and welfare.

C.C. When a development involves a parcel of land of one acre or more, the developer shall submit a report with information as required by Section 3.08 of Ordinance No. 650.

D.D. Existing and proposed vehicular and pedestrian circulation system serving the development, including streets, driveways, walkways. Show proposed ownership, right of way and cartway widths and type of construction.

E.E. Existing and proposed parking and loading areas, including street access points, internal circulation pattern. Show number of spaces, typical space dimensions, type of construction and landscaping.

F.F. Proposed site landscaping showing location, type, and illustrative details of all landscaped areas including open spaces, riverside setbacks and buffer areas.

G.G. Proposed design details and materials for all fences, walls, screens, lighting fixtures, signs and other outdoor structures.

H.H. Statement of the approvals and permits that will be required for the proposed development from the County, Commonwealth or federal agencies.

I.I. Location and effect of outdoor lighting on highways and residential properties in sight line of proposed lighting.

Section 403. Final Plan.

1. Final plans shall be drawn, annotated and sized in conformance with regulations of the Allegheny County Planning Commision and Recorder of Deeds.

2. The final plan shall include or be accompanied by the following:

A. Subdivsion name or identifying title.

B. Township name.

C. North point, scale, date of preparation, and date of preliminary plan approval.

D. Name and address of the record owner and subdivider or land developer, including reference to deed book, volume and page of the current legal owner.

E. Name and seal of the registered professional engineer or surveyor responsible for the plan.

F. Tract boundaries with bearings and distances.

G. All existing streets and driveways on or adjacent to the tract, including name, right-of-way width, cartway width, street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.

H. Sufficient data, including bearing and length, to locate every street, lot, easement, right-of-way and boundary line upon the ground.

I. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.

J. All dimensions and angles or bearings of the lines of each lot and of each lot proposed to be dedicated to public use.

K. The proposed building set-back line for each street and the proposed placement of each building, except placement for single-family dwellings.

L. Location and width of all rights-of-way, easements, and the purpose for which the rights-of-way and easements were established.

M. Location of all sanitary and storm sewer easements, and location of all watercourses and detention ponds, whether public or private.

N. All dimensions shall be shown in feet and hundredths of a foot.

O. Lots within a subdivision shall be numbered and their area shown within the lot boundaries.

P. Typical section for all proposed streets.

Q. Permanent reference monuments shall be shown on the plan and designated existing or proposed.

R. Names of the adjoining subdivisions shall be shown.

S. Names of the owners of any adjoining unplotted land shall be shown.

T. An approval block providing for the signatures of the reviewing agency and the Board of Commissioners and the date of approval.

U. An appropriate statement signed by the Owner unequivocally indicating his intention either: (a) to dedicate for public use all streets, roads, easements and rights-of-way so intended and designated; or (b) to reserve as private any streets, roads, easements or rights-of-way intended not to be dedicated for public use.

V. A statement of acknowledgement in legal form, executed by a Notary, stating that the subdivider is the Owner or equitable Owner of the land proposed for subdivision, and that the subdivision as shown on

the final plan is the act and deed of the subdivider and that it is desired to record the same.

W. A copy of the sewage "Plan Revision Module for Land Development" or other equivalent documentation approved by the Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act.

X. Water Supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Commissioners that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission of an application for such Certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

3. The final plan shall be accompanied by an Improvement and Construction Plan.

A. The improvement construction plan(s) shall be at any of the following scales:

Horizontal	Vertical
50'/inch	5'/inch or 10'/inch
40'/inch	4'/inch
100'/inch	10'/inch

B. It shall show the following:

(1) Subdivision name or identifying title.

(2) North point, scale and date.

(3) Name of the Owner of record, the subdivider, and telephone number.

(4) Name and seal of the registered professional engineer or surveyor responsible for the plan.

(5) Center line of streets with bearings, distances, curve data, sight distances and stations corresponding to the profile.

(6) Right-of-way and curb lines of streets with radii at intersections.

(7) Beginning and end of proposed construction of streets.

(8) Tie-ins by courses and distances to intersection of all public roads with their names and widths.

(9) Location of all monuments with reference to them.

(10) Property lines and ownership of abutting properties.

(11) Location and size of all drainage structures, public utilities, street name signs and shade trees.

(12) Location and size of storm and/or sanitary sewer lines with stations corresponding to the profile.

(13) Location of storm and/or sanitary sewer manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.

(14) Property lines and ownership, with details of easements where required.

(15) Beginning and end of proposed construction of storm and/or sanitary sewer.

(16) Location of storm and/or sanitary sewer laterals. Ys, etc.

(17) Location of all other drainage facilities and public utilities.

(18) Profile of existing ground surface along center line of street.

(19) Proposed center line grade of streets with percent of grade of tangents and elevations at fifty (50) feet intervals, including grades at intersections, control points, etc.

(20) Vertical curve data of streets, including length and elevations and sight distance as required by Engineer.

(21) Profile of existing ground surface with elevations at top of manholes or inlets.

(22) Profile of storm drain or sewer, showing size of pipe, grade cradle (if any), manhole or inlet locations, elevations at flow line.

4. The final plan shall be accompanied by a Grading and Drainage Plan, prepared in accordance with Sections 506 and 507 of this Ordinance.

5. The final plan shall be accompanied by a Soil Erosion and Sedimentation Control Plan when required by Section 512 of this Ordinance.

6. When required, the information required by Section 513 of this Ordinance, which may be a separate plan, shall be submitted.

7. The final plan shall be accompanied by a copy of final deed restrictions or protective covenants.

8. The final plan shall be accompanied by a copy of any and all proposed written easements or deeds to be granted, including, but not

limited to, storm drainage easements, recreation easements or dedication, or agreements to pay a fee in lieu thereof, and sanitary sewer easement.

9. The final plan shall be accompanied by a written agreement of land developer or subdivider in a form approved by the Board of Commissioners including: an agreement to construct in form and substance agreeable to the Township required improvements, including, but not limited to, streets, curbs, sidewalks and storm drainage facilities.

10. The final plan shall be accompanied by an approved Department of Environmental Resources Planning Module where on-lot sewage disposal systems or community treatment systems are proposed, or written proof of the Department of Environmental Resources' approval for the extension of existing sanitary sewer service.

11. The final plan shall be accompanied by, if required, a Highway Occupancy Permit or review and written approval by the Pennsylvania Department of Transportation.

12. The final plan shall be accompanied by an approval by the U.S. Postal Service of street names.

13. The final plan shall be accompanied by plans of bridges and other improvements, and shall contain sufficient information to provide complete working plans for the proposed construction.

14. The final plan shall be accompanied by a typical cross-section of streets showing:

A. Right-of-way width and location and width of paving.

B. Type, thickness and crown of paving.

C. Type and size of curb.

D. Grading of sidewalk area.

E. Location, width, type and thickness of sidewalks.

F. Typical location of sewers and utilities with sizes.

Section 404. As-Built Plans. The subdivider or developer will furnish the Township with as-built plans for sanitary sewer systems and storm sewer systems within the subdivision or land development.

Part 5
General Design Principles

Section 501. Application. The following principles, standards and requirements will be applied by the Board of Commissioners and Planning Commission to evaluating plans for proposed subdivision or land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the Board of Commissioners may

modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance.

Section 502. Land Requirements.

1. Land shall be suited to the purposes for which it is to be subdivided or developed.

2. Land which is unsuitable for development because of hazards to life, safety, health or property shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land included as having unsuitable characteristics would be the following:

   A. Land subject to flooding or which has a high ground water table.

   B. Land which, if developed, will create or aggravate a flooding condition upon other land.

   C. Land subject to subsidence.

   D. Land subject to underground fires.

   E. Land containing significant areas of slopes greater than ten (10%) percent.

   F. Land which, because of topography or means of access, is considered hazardous by the Board of Commissioners, based on review and report of the Township Engineer or other experts.

   G. Land which is subject to ground pollution or contamination.

3. Proposed subdivisions of land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

4. Proposed land uses shall conform to the Township Zoning Ordinance.

Section 503. Street System.

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.

2. Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted or filed as prescribed by law and to Township ordinances.

3. Streets shall be related to the topography so as to produce usable lots and acceptable grades.

4. Access shall be given to all lots and portions of the tract in the subdivisions or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access

shall be improved to the limits of the subdivision or land development and shall be improved to Township specifications. Reserve strips and landlocked areas shall not be created.

5. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic.

6. Developments with frontage on arterial streets shall not use any other street for ingress or egress to the development.

7. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a Limited Access Highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or Limited Access Highway and the marginal access streets. The Board of Commissioners may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.

8. Half or partial streets will not be permitted in new subdivisions or land developments except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

9. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.

10. Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.

11. New reserve strips, including those controlling access to streets, shall be forbidden.

12. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land.

13. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.

14. No street shall be laid out or opened which extends to or crosses any boundary between the Township and any other municipality except with the specific approval of the Board of Commissioners and upon such condition as the Board of Commissioners may impose. If the street is proposed to serve a commercial area, an industrial area or a residential area of fifty (50) dwelling units or more, located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the Township are adequate to handle the anticipated volume.

15. All streets shall have a uniform width throughout their respective lengths except where otherwise required by the Board of Commissioners pursuant to Subsection 2(C) of Section 504.

16. All streets must have appurtenant sidewalks.

17. The requirements for sidewalks as above provided may be waived in whole or in part by written application to the Board of Commissioners.

A. No waiver shall be granted unless all of the following conditions are found to exist:

(1) That there are unique physical circumstances or conditions consisting of exceptional topographical or other physical conditions peculiar to the particular property and that a waiver is required due to such conditions, and not the circumstances or conditions generally created by the sidewalk provisions of the subdivision ordinance.

(2) That because of the physical circumstances or conditions, installation of a sidewalk cannot be done without cost and expense substantially disproportionate to the cost and expense applicable in the absence of the exceptional topographical or other physical conditions.

(3) That the exceptional conditions have not been created by the developer or his predecessor.

(4) That the waiver, if authorized, will apply only to that part of the property on which the unique physical circumstances or conditions exist.

(5) That the waiver, if authorized, will not create a risk to the public health, safety or welfare.

(6) The Township Engineer has reviewed the application and has certified that all of the conditions (1) through (4) apply to the waiver applied for.

B. The application for waiver shall contain sufficient plans and documentation to indicate that all conditions of the waiver do exist.

C. The application shall be accompanied by an application fee in the amount set by Resolution of the Board of Commissioners from time to time.

D. Affirmative action on waiver applications shall be taken by Resolution.

Section 504. Street Design.

1. Street Classification. Three functional classifications are hereby established for the streets and roads in Township:

A. Arterial. This classification includes highways which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are usually five miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.

B. Collector. This classification is intended to include those highways which connect local access highways to arterial highways. They may serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.

C. Local Access. This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under.

2. Right-of-Way Widths

Type of Street:	Right of Way Width	Cartway Width
Arterial	80'-120'	46'
Collector	60'	34'
Local Access	50'	30'

A. Minimum widths for each type of public street shall be as follows:

(1) Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Ordinance, sufficient additional width for right-of-way shall be provided and dedicated to meet the foregoing standards.

(2) Additional right-of-way and cartway widths may be required by the Board of Commissioners to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.

3. Cul-de-sac Streets

A. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than fifty (50) feet.

B. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.

C. Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the Township Engineer. His recommendations will be given to the Board of Commissioners who shall have final authority in this matter.

D. Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed six hundred (600) feet in length.

E. A minimum width of the right-of-way may be reduced to forty feet by the Board of Commissioners after review by the Planning Commission, but only when these criteria exist:

(1) The street ends in a cul-de-sac and by reasons of topography, abutting use, or otherwise, it conclusively appears that the street will not be extended in the future.

(2) The street is no longer than one thousand feet.

4. Street Alignment

A. Whenever street lines are deflected by more than five (5) degrees, connection shall be made by horizontal curves.

B. The minimum radius at the center line for horizontal curves on collector and arterial streets shall be three hundred (300) feet, and for local streets the minimum radius shall be one hundred (100) feet.

C. On local access streets, the minimum tangent between reverse curves shall be at least one hundred (100) feet; on collector and arterial streets, the minimum tangent shall be at least two hundred fifty (250) feet.

D. Minimum vertical sight distance measured four (4) feet above grade shall be three hundred (300) feet for collector and arterial streets and one hundred (100) feet for local access streets.

5. Street Grades

A. The minimum grade on all streets shall be one-half (0.5%) percent.

B. The maximum grade on collector or arterial streets shall be seven (7%) percent and on local access streets ten (10%) percent.

C. Vertical curves shall be used in changes of grade exceeding one (1%) percent and shall provide proper sight distances as specified herein above.

6. Street Intersections

A. Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet as measured from centerline to centerline.

B. The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than one hundred and fifty (150) feet unless the streets are directly opposite each other.

C. Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

D. Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than seventy-five (75) degrees. The intersection of two local streets shall not be at any angle of less than sixty (60) degrees.

E. Minimum curb radius at the intersection of two local streets shall be at least twenty (20) feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least twenty-five (25) feet.

F. There shall be provided and maintained at all intersections clear sight triangles of seventy-five (75) feet in all directions measured along the centerline from the point of intersection. Nothing which obstructs the vision of a motorist shall be permitted in this area.

G. Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds seven (7%) percent, a leveling area shall be provided having a grade of not greater than four (4%) percent for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

7. Pavement Design

A. All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation Specifications, Form 408.

B. Minimum Requirements. The following shall be considered to be

minimum standards for street construction in the Township.

Alternates	Type	Local Access Streets	Collector and Arterial Streets
Rigid Pavement	Plain Cement Concrete	6"	6"
	Subbase		
Flexible Pavements			
Surface	ID-2	1-1/2"	1-1/2"
Base	Bituminous	4"	6"
Subbase		6" (if req.)	6" (if req.)
Surface	ID-2	3"	3"
Base	Crushed Aggregate (regular or dense grade)	6"	10"
Subbase		6" (if req.)	9" (if req.)
Surface	ID-2	3"	3"
Base	Modified Stone Aggr.	8"	10"
Subbase		6" (if req.)	9" (if req.)

8. Alleys and Driveways

A. Alleys are prohibited in residential developments.

B. Driveways serving properties located adjacent to an intersection shall be offset from the intersection of the curb line a distance not less than the required setback dimension.

Section 505. Curbs and Sidewalks.

1. Curbs

A. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback line is one hundred feet (100) or less. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed the above minimum, when the center line street grade of any street exceeds three (3%) percent. In such cases, curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement of the curbs may be waived at the discretion of the Board of Commissioners.

B. All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.

C. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.

D. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, and shall follow PennDOT standards where applicable.

2. Sidewalks

A. Minimum widths for sidewalks along each type of public street shall be four (4') feet, and shall follow PennDOT Specifications where applicable.

Section 506. Stormwater Drainage.

1. Lots shall be laid out and graded to provide positive drainage away from buildings. The Board of Commissioners may require a Grading and Drainage Plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

2. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from the Township or Department of Environmental Resources, whichever is applicable.

3. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

4. The Township will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.

5. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:

A. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

B. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for the Township.

C. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to

the nearest practical street, storm drain, detention pond or natural water course.

D. The developer shall acquire and dedicate a storm drainage easement not less than fifteen (15) feet in width from the point of discharge of any storm drain pipe in any street to a natural watercourse. "Natural watercourse" as used in this paragraph is defined as a stream usually flowing in a definite channel and discharging into some other stream or body of water and is not intended to include surface water conveyed from a higher to a lower level for limited periods during the melting of snow or during or soon after the fall of rain through hollows or ravines which at other times are dry.

(1) Unnatural drainage, drainage from non-natural sources and street drainage shall not be permitted in open ditches. All such drainage shall be conducted through adequate sized pipe to a natural water course as defined in paragraph D hereof.

6. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

7. Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by the Township Engineer, who may require additional width of easement as circumstances warrant.

8. Street drainage will not be permitted to cross intersections or the crown of the road.

A. Maximum spacing of street inlets shall not exceed six hundred (600) feet.

B. All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.

C. All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.

D. Minimum pipe size shall be fiteen (15) inch diameter.

E. When material for storm drain systems is not specified, PennDOT specifications will govern.

9. All springs and sump pump discharges shall be collected so as not to flow in the streets.

10. Storm water roof drains shall not discharge water directly over a sidewalk.

11. Stabilized outlets shall be provided for footer drains, floor drains and downspouts.

12. The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.

13. The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor subdivisions.

14. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.

15. The minimum design criteria shall be a ten (10) year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.

16. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

17. Control Facilities

A. Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a ten (10) year storm frequency. More stringent criteria may be required in sensitive areas where storm water problems presently exist.

B. Control facilities shall be designed to meet, as a minimum, the design standards and specifications of the Pennsylvania Department of Environmental Resources publication, "Erosion and Sedimentation Pollution Control Program Manual."

(1) Detention ponds may be waived by the Board of Commissioners on the recommendation of the Township Engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.

(2) In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the Township, a lining shall be required.

(3) Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence with a type subject to the approval of the Township.

C. A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.

(1) Maintenance during development activities of a project shall be the responsibility of the contractor, developer and owner.

(2) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Board of Commissioners.

In cases where permanent contol facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner's association). In such cases a legally binding agreement between the owner and the Township shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by the Township.

Section 507. Lot Grading for Subdivisions and Land Developments.

1. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. A minimum of two percent (2%) slopes away from structures shall be required.

2. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required. A Grading and Draining Plan shall be required for all subdivisions and land developments, except minor subdivisions.

3. No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

A. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Township Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

B. A concrete or stone masonry wall, constructed according to sound engineering standards for which plans are submitted to the Township Engineer for review and approval, is provided.

4. No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

A. The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys or buildings.

B. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Township Engineer.

C. A wall is constructed to support the face of the fill.

5. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the Township Engineer.

6. All lots must be kept free of any debris or nuisances whatsoever.

7. The following regulations shall apply to all grading:

A. Definitions:

(1) "Average Percent Slope" - the average slope of the area of environmental disturbance - determined by dividing the difference in elevation at the limits of the environmental disturbance by the horizontal distance between the limits of the environmental disturbance as determined by an actual field topographical survey of the elevations within the areas of environmental disturbance.

(2) "Steep Slope" - areas where the slope is from fifteen (15) to twenty-five percent (25%) between adjacent contour lines (i.e. where the scaled horizontal distance between the five (5) foot contour lines is between twenty (20) feet and 33-1/3 (thirty-three and one-third) ft.) or between adjacent contour lines having an interval of five (5) feet or less as shown on detailed site plans prepared by a registered engineer or surveyor based on actual field topographical surveys.

(3) "Very Steep Slopes" - areas where the slope exceeds twenty-five (25%) percent between adjacent contour lines (i.e. where the scaled horizontal distance between the five (5) foot contour lines is less than twenty (20) feet) or between adjacent contour lines having an interval of five (5) feet or less as shown on detailed site plans prepared by a registered engineer or surveyor based on actual field topographical surveys.

B. Steep slopes and very steep slopes shall be protected as follows:

(1) Very steep slopes: no environmenal disturbance of any kind shall be permitted on these areas.

(2) Steep slopes, where any portion of the steep slope contains soils identified by any agency of the Commonwealth of Pennsylvania or the United States of America as having a high landslide-prone risk; no environmental disturbance of any kind shall be permitted in the steep slope areas containing the high-risk land-slide prone soils.

(3) Steep slopes, where any portion of the steep slope contains soils identified by any agency of the Commonwealth of Pennsylvania or the United States of America as having a moderate landslide-

prone risk; disturbances not exceeding twenty-five percent (25%) of the steep slope areas containing the moderate-risk landslide-prone soils may be permitted provided the applicant demonstrates to the satisfaction of the Township Engineer, that such disturbances will not adversely impact the stability of the soils.

(4) Steep slopes, not involving any areas identified as having landslide-prone soils: no more than twenty-five percent (25%) of the steep slope area may be environmentally disturbed.

(5) In instances where it can be demonstrated to the satisfaction of the Township Engineer that no adverse environmental impacts will occur, the determination of the percent slope may be calculated using the "average percent slope."

C. Landslide-prone soils shall be further protected, and excavations, cuts and fills shall be regulated, as per the Township's Grading and Excavating Ordinance.

Section 508. Blocks and Lots.

1. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the Township, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.

2. Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail:

A. Blocks shall not exceed sixteen hundred (1600) feet in length, nor be less than five hundred (500) feet in length.

B. Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two (2) tier design.

C. Crosswalks or interior pedestrian walks shall be required in blocks exceeding one thousand (1000) feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for width of not less than four (4) feet, shall be located in easements not less than ten (10) feet in width, and shall, insofar as possible, be located in the center of any such block.

D. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be

provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.

E. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.

F. Lots shall, in general, front on a street which has already been dedicated to the Township, or which the subdivider or developer proposes to dedicate to the Township in connection with approval of the final plan. In commercial or industrial subdivisions or land developments where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by the Board of Commissioners.

G. The Township shall assign house numbers to each lot within a subdivision.

H. Minimum lot sizes shall be in accordance with the Township Zoning Ordinance.

I. Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Board of Commissioners.

J. Double frontage lots are prohibited except in accordance with Section 508(2)(B) above.

K. No residential lots shall be created which front upon an arterial or collector street, as defined in Section 504(1) herein.

Section 509. Development on Private Streets Discouraged.

1. It is the policy of this Township that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this Township recognizes the need for limited exceptions to the foregoing general policy.

2. No subdivision will be approved on a private street or road if more than two (2) lots already front on such street or road or if after subdivision more than two (2) lots will front on such private street or road.

Section 510. Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments.

1. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas and water course.

2. Open space - Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of

scenic or historic importance, a "limit of work" which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.

3. Tree preservation - Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

4. Topsoil preservation - All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stablized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) or more and planted in ground cover on slopes twenty percent (20%) or greater.

5. Landscaping - For all multi-family, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees and natural barriers.

6. Buffer planting requirements - Buffer Yard requirements should be as specified in the Township Zoning Ordinance.

7. Preserved landscaping - When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

8. Trees - The planting of trees within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.

9. Watercourse Protection - Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. Such easement shall be in addition to the open space required in Sec. 510(2).

Section 511. Contribution for Recreation Purposes.

1. It is the policy of this Township to provide recreational facilities for all the residents of the Township pursuant to the Township Recreation Plan. Centralized facilities are preferred over local neighborhood facilities. New and additional facilities are required in direct proportion to increase in population. Developers causing increases in population by new residences must share in the cost of additional recreational facilities.

2. In accordance with Section 503(11)d of the Municipalities Planning Code, each developer of a subdivision or development which includes residential dwelling units shall, as a condition precedent to final plan approval, pay to the Township,

in lieu of dedication of land suitable for park and recreation purposes, the sum of $500.00 per dwelling unit.

3. The fees shall be used only for the purpose of providing park or recreational facilities accessible to the development.

4. The fee authorized under this subsection shall, upon its receipt by the Township, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

5. Upon request of any person who paid any fee under this subsection, the Townhip shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.

Section 512. Erosion and Sediment Control.

1. General Purpose

A. The Board of Commissioners finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare, and therefore those regulations governing erosion control and sedimentation control are necessary for the Township.

B. No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Township Engineer and/or County Soil and Water Conservation District, or there has been a determination by the above entities that such plans are not necessary.

C. No subdivision or land development plan shall be approved unless:

(1) There has been an Erosion and Sedimentation Control Plan approved by the Board of Commissioners that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required improvement; or (2) there has been a determination by the Board of Commissioners that a plan for minimizing erosion and sedimentation is not necessary.

D. Where not specified in this Ordinance, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the County Soil and Water Conservation District. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Soil and Water Conservation District.

2. Performance Principles - The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

A. Stripping of vegetation, regrading, or other development shall be done in such a way that will prevent all but minor erosion.

B. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

C. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

D. The disturbed area and the duration of exposure shall be kept to a practical minimum.

E. Disturbed soils shall be stablized as quickly as practicable.

F. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

G. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

H. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.

I. Sediment in the runoff water shall be trapped until the disturbed area is stablized by the use of debris basins, sediment basins, silt traps, or similar measures.

3. Grading for Erosion and Other Environmental Controls - In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

A. Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with Section 504(7) and as approved in the Final Plan.

B. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.

C. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

D. Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.

E. During grading operations, necessary measures for dust control will be exercised.

F. Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.

4. Responsibility

A. Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible.

B. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.

C. It is the responsibility of any developer or subdivider, and any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale, or upon the flood plain or right-of-way during the pendency of the activity to return it to its original or equal condition after such activity is completed.

D. The subdivider or land developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.

5. Compliance with Regulations and Procedures

A. The Board of Commissioners, in its consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in Sections 512.2 and 512.3 hereof.

B. The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the County Soil and Conservation District.

6. Stream Channel Construction. Stream channel construction on watersheds with drainage areas in excess of one-half square mile, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Resources.

Section 513. Flood Plain Area Regulations.

1. Purpose - The specific purposes of these special provisions are:

A. To regulate the subdivision or development of land within any Designated Flood Plain Area in order to promote the general health, welfare, and safety of the community.

B. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.

C. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood plain districts.

2. Abrogation and Greater Restrictions - To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall control such other provisions of this Ordinance.

3. Disclaimer of Municipal Liability - The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any Designated Flood Plain Area shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials, employees or agents.

4. Application Procedures and Requirements

A. Pre-Application Procedures

(1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.

(2) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

B. Preliminary Plan Requirements - The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:

(1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.

(2) A map showing the location of the proposed subdivision or land development with respect to any Designated Flood Plain Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Flood Plain Area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

(3) Where the subdivision or land development lies partially or completely within any Designated Flood Plain Area, or where the

subdivision or land development borders on a Flood Plain Area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of five (5) feet, and shall identify accurately the boundaries of the Flood Plain Areas.

(4) Such other information as is required by this Subdivision Ordinance.

C. Final Plan Requirements - The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:

(1) All information required for the submission of the preliminary plan incorporating any changes requested by the Board of Commissioners.

(2) A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any Designated Flood Plain Area. All such maps shall show contours at intervals of five (5) feet within the Flood Plain Area and shall identify accurately the boundaries of the flood-prone areas.

(3) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Planning Commission meeting at which such plan is to be considered.

5. Design Standards and Improvements in Designated Flood Plain Areas

A. General

(1) Where not prohibited by this or any other laws or ordinances, land located in any Designated Flood Plain Area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damge in accordance with this and any other laws and ordinances regulating such development.

(2) No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will, individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

(3) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Flood Plain Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures and access shall meet the requirements of Section 513(5)(C) hereinbelow.

(4) Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or building outside the floodway in a Flood Plain Area shall be protected as provided for in Section 513(5)(A)(3) above. However, the Board of Commissioners may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed to the Regulatory Flood Elevation.

(5) If the Board of Commissioners determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

(6) When a developer does not intend to develop the plat himself and the Board of Commissioners determines that additional controls are required to insure safe development, they may require the developer to improve appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Drainage Facilities

(1) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

(2) Plans shall be subject to the approval of the Board of Commissioners. The Board of Commissioners may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, county and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Streets and Driveways. The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Subdivision Ordinance shall be submitted with the final

plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

D. Sewer Facilities. All sanitary sewer systems located in any Designated Flood Plain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

E. Water Facilities. All water systems located in any Designated Flood Plain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

F. Other Utilities and Facilities. All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the Regulatory Flood Elevation.

Part 6
Required Improvements

Section 601. General Requirements. The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or security to the Board of Commissioners is provided.

Section 602. Streets. Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Township Engineer. The subdivider must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The streets shall be designed and constructed to the standards set forth in Sections 503 and 504 of this Ordinance.

Section 603. Curbs and Sidewalks. Curbs and sidewalks shall be provided in accordance with the standards set forth in Section 505 of this Ordinance.

Section 604. Sewers.

1. Public Sewer Systems - When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Board of Commissioners. Where required, DER Planning Module approval shall also be obtained for final plan approval.

2. Private Sewer Systems - When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Board of Commissioners from the Pennsylvania Department of Environmental Resources certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the Township.

3. On-Lot Sewage Disposal - In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided.

4. Capped Sewer System - Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the

subdivider shall install sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required. At such time as any planned construction of extensions to the existing sanitary sewer system is under contract, the subdivider may reduce the size of any required septic system drain fields or septic tank by fifty percent (50%).

Section 605. Water.

1. Provision of System - The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the Pennsylvania Department of Environmental Resources with satisfactory provision for the maintenance thereof.

2. Plans - The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply system agency to which the subdivision or land development will be connected, shall be submitted to the Board of Commissioners. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the Township.

3. Fire Hydrants - Fire hydrants shall be provided as an integral part of any public water supply system. The Township Fire Marshall shall be consulted to determine the location of proposed fire hydrants.

4. The developer shall test the water distribution system which the developer intends to utilize to ascertain that the water pressures comply with the Township fire and building codes. The developer shall give notice to the Fire Marshall of the time and place of the test and provide a copy of test results. Plan approval is conditioned on proof of water pressures which comply with the fire code and building code standards.

Section 606. Storm Drainage. A storm drainage system shall be provided in accordance with the standards as set forth in Section 506 of this Ordinance.

Section 607. Utilities.

1. Easements for utilities shall have a minimum width of fifteen (15) feet.

2. To the fullest extent possible, easements for public utilities shall be centered on or adjacent to rear or side lot lines.

3. Telephone, electric, T.V. cable and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Township and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

Section 608. Monuments and Markers.

1. Monuments shall be of concrete or stone at least six (6) inches by six (6) inches by thirty (30) inches and marked on top with a copper or brass dowel. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or brass thirty (30) inches by three-fourths (3/4) inch diameter and set at all points where lines or lines and curves intersect.

2. Monument replacement - Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person responsible for the removal.

Section 609. Other Improvements.

1. Shade trees shall be provided as specified in Section 510(5) of this Ordinance.

2. Street name signs conforming to Township specifications shall be provided and installed by the subdivider or developer at all street intersections.

3. Open space shall be provided as specified in Section 510(2) of this Ordinance.

4. Other improvements to promote public safety and health shall be made as required by the Township as a condition of approval.

Section 610. Time Limits. All improvements shall be installed according to a time schedule which shall be approved by the Township.

Section 611. Inspection. At the time each improvement is to be installed and upon its completion, the subdivider shall notify the Township so that adequate inspections can be made. The inspections will be made by the Township Engineer. All costs of undertaking the inspections will be borne by the subdivider.

Section 612. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by Ordinance, the developer may deposit with the Township financial security in an amount sufficient to cover the related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.

2. When requested by the developer, in order to facilitate financing, the Township shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded

until the financial improvements agreement is executed. The resolution or letter of contingent agreement shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Township; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

3. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

6. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110%) percent. Any additional security shall be posted by the developer in accordance with this subsection.

7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third (3rd) engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

8. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date

from posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.

9. In the case where development is projected over a period of years, the Board of Commissioners may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvement in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Commissioners, and the Township shall have forty-five (45) days from receipt of such request within which to allow the Township engineer to certify, in writing, to the Board of Commissioners, that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Commissioners shall authorize release by the bonding company or lending institution of an amount as estimated by the Township engineer fairly representing the value of the improvements completed or, if the Board of Commissioners fails to act within said forty-five (45) day period, the Board of Commissioners shall be deemed to have approved the release of funds as requested. The Board of Commissioners may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

11. Where the Board of Commissioners accepts dedication of all or some of the required improvements following completion, the Board of Commissioners may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.

13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover,

if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

Section 613. Release from Improvement Bond.

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township engineer. The Board of Commissioners shall, within ten (10) days after receipt of such notice, direct and authorize the Township engineer to inspect all of the aforesaid improvements. The Township engineer shall, thereupon, file a report in writing, with the Board of Commissioners, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township engineer of the aforesaid authorization from the Board of Commissioners; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

2. The Board of Commissioners shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Township with relation thereto.

3. If the Board of Commissioners or the Township engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

4. If any portion of the said improvement shall not be approved or shall be rejected by the Board of Commissioners, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed. Such completion shall satisfactorily meet the Township's statement of reasons for nonapproval or rejection.

5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Commissioners or the Township engineer.

6. Where herein reference is made to the Township engineer, he shall be as a consultant thereto.

7. The applicant or developer shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Township and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township engineer or consultant for work performed for similar services in the community, but in no event shall the

fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

A. In the event the applicant disputes the amount of any such expense in connection with the inspection or improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case, the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

B. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

D. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the Court of Common Pleas shall appoint such engineer, who, in that case, shall be neither the Township engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand ($1,000) dollars or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

Section 614. Remedies to Effect Completion of Improvements. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, the Board of Commissioners is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Commissioners may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer,

or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 8th day of October, 1990.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

By

President of the Board of Commissioners

ORDINANCE NO. 803

AN ORDINANCE OF THE TOWNSHIP OF WILKINS FIXING THE TAX RATE FOR THE YEAR 1991

That a tax be and same is hereby levied on all real property within the Township of Wilkins subject to taxation for the fiscal year 1991 as follows:

TAX RATE FOR GENERAL PURPOSES:

The sum of eighteen (18) mills on each dollar of assessed valuation or the sum of one hundred eighty (180) 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	18 Mills	180 Cents
TOTAL	18 Mills	180 Cents

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.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 2nd day of January, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski

Francis R. Kuszajewski, Secretary

[redacted] [redacted] [redacted]

ORDINANCE NO. 804

AN ORDINANCE OF THE TOWNSHIP OF WILKINS IN THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED, FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT. HEREINAFTER SET FORTH DURING THE YEAR 1991.

BE IT ORDAINED AND ENACTED, by the Board of Township Commissioners of the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania:

SECTION I:

That the expenditures and expenses of the fiscal year 1991 the following amounts are hereby appropriated from the fund equities, revenues, specific purposes as set forth:

Schedule A

BUDGET SUMMARY—ALL BUDGETED FUNDS

Account Number	Classification	Total All Budgeted Funds	Line No.
	Assets - January 1, 1991		1
	Cash (including checking, savings, certificates of deposit, money market funds, etc.	1,045,764.	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, 1991		8
	Fund Equity (sum of lines 2, 3, 4 less 6, 7, 8) - January 1, 1991	1,045,764.	9
	Revenues and Other Financing Sources		10
300	Taxes (from Schedule C)	1,755,122.	11
320	Licenses and Permits	24,000.	12
330	Fines and Forfeits	28,000.	13
340	Interest, Rents, and Royalties	63,918.	14
350	Intergovernmental Revenue	251,909.	15
360	Charges for Services (Departmental Earnings)	22,150.	16
380	Miscellaneous Revenues	281,059.	17
390	Other Financing Sources (Inter-Fund Transfers)	115,000.	18
	Total Revenues and Other Financing Sources (sum of lines 11 thru 18)	2,541,158.	19
	Total Available for Appropriation (sum of lines 9 and 19)	3,586,922.	20
	Expenditures or Expenses and Other Financing Uses		21
400	General Government	304,152.	22
410	Public Safety (Protection to Persons and Property)	1,308,278.	23
420	Health and Welfare (Gypsy Moth Expense	9,000.	24
	Public Works—		25
426	Sanitation		26
430	Highways, Roads, and Streets	568,859.	27
440	Other	1,500.	28
450	Culture—Recreation	33,327.	29
460	Conservation and Development		30
470	Debt Service	235,977.	31
480	Miscellaneous Expenditures or Expenses	15,500.	32
490	Other Financing Uses (Inter-Fund Transfers)	115,000.	33
	Total Expenditures or Expenses and Other Financing Uses (sum of lines 22 thru 33)	2,591,593.	34
	Assets - December 31	3,586,922.	35
	Less Liabilities - December 31	2,591,593.	36
	Less Reserves - December 31		37
	Unappropriated Fund Equity (line 35 less lines 36 and 37)	995,329.	38
	Total Appropriated and Unappropriated (sum of lines 34 and 38)	3,586,922.	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	SINKING FD Proprietary Funds (06-09)	POLICE PENSION Fiduciary Funds (50-69)
1							
2	145,300.	1.	282.	37,800.	15,000.	238,381.	609,000.
3							
4							
5							
6							
7							
8							
9	145,300.	1.	282.	37,800.	15,000.	238,381.	609,000.
10							
11	1,755,122.						
12	24,000.						
13	28,000.						
14	20,000.	1,500.	18.	2,000.	400.	10,000.	30,000.
15	92,897.	86,300.		7,500.			65,212.
16	21,650.				500.		
17	137,500.				121,784.		21,775.
18					25,000.	90,000.	
19	2,079,169.	87,800.	18.	9,500.	147,684.	100,000.	116,987.
20	2,224,469.	87,801.	300.	47,300.	162,684.	338,381.	725,687.
21							
22	280,302.			23,550.			300.
23	1,199,728.		300.	1,750.	106,500.		
24				9,000.			
25							
26							
27	479,958.	87,801.			1,100.		
28					1,500.		
29	14,577.			12,000.	6,750.		
30							
31	100,000.	0			46,784.	89,193.	
32	15,500.						
33	115,000.						
34	2,205,065.	87,801.	300.	46,300.	162,634.	89,193.	300.
35	2,224,469.	87,801.	300.	47,300.	162,684.	338,381.	725,987.
36	2,205,065.	87,801.	300.	46,300.	162,634.	89,193.	300.
37							
38	19,404.	-0-	-0-	1,000.	50.	249,188.	725,687.
39	2,205,065.	87,801.	300.	47,300.	162,684.	338,381.	725,987.

SECTION II: That any Ordinance conflicting with this Ordinance be and the same affects this Ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 2nd day of January, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski

Francis R. Kuszajewski, Secretary

ORDINANCE NO. 805

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

SECTION I: The annual compensation of the Township Manager shall be set at $33,740.00 effective January 1, 1991.

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

SECTION III: Any Ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this second day of January, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

ORDINANCE NO. 806

AN ORDINANCE OF THE TOWNSHIP OF WILKINS LEVYING ASSESSMENTS AS CERTIFIED BY THE TOWNSHIP ENGINEER AGAINST LOTS BENEFITED, IMPROVED OR ACCOMMODATED BY SANITARY SEWERS CONSTRUCTED IN THE DOROTHY STREET SANITARY SEWER DISTRICT AND PROVIDING FOR NOTICE AND COLLECTION OF SAID ASSESSMENTS.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 806 in the following form:

ORDINANCE NO. 806

AN ORDINANCE OF THE TOWNSHIP OF WILKINS LEVYING ASSESSMENTS AS CERTIFIED BY THE TOWNSHIP ENGINEER AGAINST LOTS BENEFITED, IMPROVED OR ACCOMMODATED BY SANITARY SEWERS CONSTRUCTED IN THE DOROTHY STREET SANITARY SEWER DISTRICT AND PROVIDING FOR NOTICE AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, the Township of Wilkins adopted Ordinance No. 761 on July 6, 1987 authorizing construction of sanitary sewers in the Dorothy Street Sanitary Sewer District; and

WHEREAS, the project was completed on June 28, 1990 as certified by the Township Engineer.

NOW THEREFORE, the Township of Wilkins Ordains as follows:

SECTION 1.

Each lot in the Dorothy Street Sanitary Sewer District, as more particularly set forth in the plans prepared by the Senate Engineering Company, shall be assessed according to the foot-front rule as certified and determined by the Township Engineer.

The plans of the Senate Engineering Company setting forth the footage of sanitary sewer benefiting, improving or accommodating each lot in the said project are incorporated herein by reference thereto and 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 schedule of assessments as certified and determined by the Township Engineer against the properties identified in said schedule and in the amounts determined in said schedule be and the same hereby are levied against the properties benefited, improved or accommodated by the sanitary sewer project.

SECTION III.

It is the finding of the Board of Commissioners that all of the lots in the project are zoned for and used as residential properties and that no property has been benefited or improved in an amount in excess of twenty-five (25%) percent of the total project cost and expense divided by the number of assessable zoning lots. Based on this formula, it has been determined that no assessment shall exceed $340.48 per zoning lot plus a connection fee of $150.00 per lot.

SECTION IV.

As used in this Ordinance, zoning lot is defined to mean a lot abutting a public street, legally permitted for use as a residential lot, and containing the necessary frontage and lot area required by the Wilkins Township Zoning Ordinance.

SECTION V.

The Township Secretary shall cause thirty days' notice of the assessment to be given to each party assessed by service on the owner or his agent or left on the assessed premises, together with notice of the right to establish that the owner qualifies for relief as a low or moderate income household.

SECTION VI.

If any assessment shall remain unpaid at the expiration of thirty (30) days from service of the notice aforesaid, it shall be the duty of the Township Solicitor to collect the assessment, penalty and interest in the manner provided by law for the collection of municipal liens.

SECTION VII.

The funds received from the Allegheny County Department of Development in the amount of $80,000 and the Commonwealth of Pennsylvania in the amount of $50,000 shall not be included in calculating the costs and expenses to be assessed.

SECTION VIII.

No assessment shall be collected from any property owner who by proper documentation establishes that the property is owned and occupied by persons qualifying as a low and moderate income household as established by the United States Department of Housing and Urban Development.

SECTION IX.

Qualifications to establish low and moderate income shall be in substantially the following form:

(a) The property owner shall reside on the subject property.

(b) All members of the owner's household shall be identified.

(c) All members of the property owner's household for the 1989 tax year shall file with the Township copies of said returns, which copies shall not be shown to any person not required to administer this Ordinance.

(d) Property owners who establish that they qualify as a low and moderate income household (as defined in H.U.D. Rules and Regulations - Federal Register Vol. 53, No. 172) shall not be required to pay any assessment levied under this Ordinance and the assessment shall be marked null and void and proper documentation delivered to the property owner.

SECTION X.

Low and moderate income household as established by the Department of Housing and Urban Development, effective in 1990, and for purposes of this Ordinance shall be as follows:

1 Person	$18,850
2 Persons	$21,550
3 Persons	$24,250
4 Persons	$26,950
5 Persons	$28,650
6 Persons	$30,300
7 Persons	$32,050
8 Persons	$33,700

SECTION XI.

The schedule of assessment prepared by the Township Engineener is attached to this Ordinance and made a part hereof.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 2nd day of January, 1991.

ATTEST: THE TOWNSHIP OF WILKINS

Francis R. Kuzyjanski By Victor A. Dingeo

Secretary President of the Board of Commissioners

TOWNSHIP OF WILKINS
ENGINEER'S ASSESSMENT SCHEDULE

Under and by virtue of Ordinance No. ___, Ordinance No.___ and Ordinance No. 306 of the Township of Wilkins and the laws of the Commonwealth of Pennsylvania, the undersigned Township Engineer certifies that the following is a true and correct statement of the total cost, expense and assessments for the sanitary sewer lines constructed in the Peter, John & Dorothy Sanitary Sewer District.

Advertising, Printing and Legal Fees/Right of Ways	$ 995.97
Engineer and Inspection	$ 14,112.25
Alden Construction Co. - Contractor ($182,425.00 BID)	$146,216.30 (FINAL)
Contract 1-89 (Peter, John & Dorothy)	$(50,000.00)
Less Grant Funds Received	(80,000.00)
Total - Project Cost and Expense Assessed Against Properties Benefited	$ 31,324.52
Total assessable footage of properties on said improvements	2,104.45 ft.
The cost per foot assessed against properties benefited	$14.8849/ft.

Date of Completion 6/28/90

SCHEDULE OF ASSESSMENTS

Property Owner	Allegheny County Registry Block & Lot	Footage	Footage times Cost $14.8849 per foot	Maximum Benefit per Zoning Lot	Number of Zoning Lots	Total Assess-ment	Connect Fee
Cohen, Hayden & Dorothy	374-D-234	465.00	6,921.48	340.48	1	*	$150
Trevaskis, John T.	374-H-176	30.00	446.54	340.48	1	340.48	150
Kravetz, Robert F.	374-H-190	41.25	614.00	340.48	1	340.48	150
Trinchero, George C. Brown, Carol A.	374-H-191	50.15	746.48	340.48	1	340.48	150
McLain, Wm. L. & Francis E.	374-H-193	55.81	830.73	340.48	1	340.48	150

* Amount determined by settlement of condemnation proceedings.

SCHEDULE OF ASSESSMENTS
(Continued)

Property Owner	Allegheny County Registry Block & Lot	Footage	Footage times Cost $14.8849 per foot	Maximum Benefit per Zoning Lot	Number of Zoning Lots	Total Assess-ment	Connect Fee
Soles, Jeffery	374-H-195	73.57	1,095.08	340.48	1	340.48	$150
Lauletta, Michael J. Carmella D.	374-H-197	146.37	2,178.70	340.48	1	340.48	150
Murphy, Denise L.	374-H-200	25.00	372.12	340.48	1	340.48	150
Simko, Catherine & Hubert, Joseph	374-H-202	25.00	372.13	340.48	1	340.48	150
Miller, Jacqueline	374-H-206	50.00	744.25	340.48	1	340.48	150
Odorisio, Agnes	374-H-208	25.00	372.13	340.48	1	340.48	150
Diak, Edward & Ann	374-H-210	50.00	744.25	340.48	1	340.48	150
Dobrenich, Barbra	374-H-214	193.23	2,876.21	340.48	1	340.48	150
Zimmerman, Louis H. & Alice J.	374-H-222	86.08	1,281.29	340.48	1	340.48	150
Repasi, Robert J. & Deborah	374-H-226	63.31	942.36	340.48	1	340.48	150
Kromer, Joseph B. & Adele H.	374-H-228	37.35	555.95	340.48	1	340.48	150
Lauer, Robert T. & Mary M.	374-H-230	31.68	471.55	340.48	1	340.48	150
Donahue, Kenneth & Mayme	374-H-234	27.47	408.89	340.48	1	340.48	150
Wengrzyn, Andrew J. Mildred D.	374-H-236	263.23	3,918.15	340.48	1	340.48	150
Hensell, Carl Jr. & Estella Blankenship	374-M-93	93.00	1,384.30	340.48	1	340.48	150

SCHEDULE OF ASSESSMENTS
(Continued)

Property Owner	Allegheny County Registry Block & Lot	Footage	Footage times Cost $14.8849 per foot	Maximum Benefit per Zoning Lot	Number of Zoning Lots	Total Assess-ment	Connect Fee
Myers, Joseph D.	374-M-95	100.00	1,488.49	340.48	1	340.48	150
Gumbert, Walter W. & Loretta A.	374-M-99	56.05	834.30	340.48	1	340.48	150
Gallora, Vincent B. & Margaret E.	374-M-107	115.90	1,725.16	340.48	1	340.48	150
	TOTAL	$2,104.45			23		

Assessment (Max. Calc.)
($31,324.52)(.25)/23 = $340.48

ORDINANCE NO. 807

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 334 BY ADDING THERETO PROVISIONS FOR PHYSICAL EXAMINATIONS OF APPLICANTS FOR CLASSIFIED SERVICE POSITIONS.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I: Ordinance No. 334 is hereby amended by adding thereto the following sections:

SECTION XXIII: All applicants for positions in the classified service shall, as a condition of employment, take a physical examination administered by a physican retained and paid by the Township.

SECTION XXIV: A detailed description of each classified position shall be prepared by the Township Manager, and this description shall be provided to the examining physician, together with a request that the physician note any job related medical or mental condition which will prevent the applicant from performing in an efficient and able manner, the work described in the job description.

SECTION XXV: A physician's report stating that the applicant will be unable to perform the work in an efficient and normal manner shall be cause for disqualification of the applicant.

SECTION XXVL: The Township may, by resolution adopted from time to time, determine specific medical or mental conditions as job related guidelines likely to affect the applicant's acceptance.

SECTION XXVII: Nothing contained herein shall be construed to deny the right of any handicapped or disabled person to receive an appointment to any of the classified positions, when such person is otherwise qualified for the position.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 11th day of March, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

ORDINANCE NO. 808

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ELECTING TO IMPROVE THE BENEFITS IT HAS IN THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM UNDER ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW: AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES IMPROVING BENEFITS UNDER THE PROVISIONS OF THIS ARTICLE: STATING WHICH OF CERTAIN OPTIONS PERMITTED UNDER THE SAID LAW ARE ACCEPTED BY THE TOWNSHIP OF WILKINS, AS FOLLOWS:

SECTION I. The Township of Wilkins, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to improve its member benefits in that System as autyorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree ti be bound by all the requirements and provisions of said Article and the Law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said Amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV.

SECTION II: Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employes of the Township. Membership for elected officials and employes hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

SECTION III: Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Township from original date of hire. benefits provided to members in the agreement dated March 18, 1991 shall accrue based on all credited service granted and earned in accordance with this section.

The Township of Wilkins hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

SECTION IV: Payment for any obligation established by the adoption of this ordinance and the agreement between the System and the Township of Wilkins shall be made by the Township in accordance with the Pennsylvania Municipal retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

SECTION V: As part of this ordinance, the Township agrees that the System shall provide the benefits set forth in the agreement between the Board and the Township of Wilkins, dated March 18, 1991. The passage and adoption of this ordinance by the Commissioners of the Township of Wilkins is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package.

SECTION VI: The Commissioners hereby acknowledge that an affirmative vote representing at least seventy-five percent (75%) of the previous plan members indicated the members were in agreement with the benefit improvement of the plan with the Pennsylvania Municipal Retirement System.

SECTION VII. The Township of Wilkins intends this ordinance to be the complete authorization of the Township's municipal pension plan and, therefore, specifically repeals Ordinance Numbers 755 and 295 of the Township of Wilkins.

SECTION VIII: A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employes of the Township of Wilkins in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1961, with the improved plan structure reflected in the revised agreement, dated March 18, 1991, effective the first day of January, 1991.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 18th day of March, 1991.

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TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski

Francis R. Kuszajewski, Secretary

WILKINS TOWNSHIP MUNICIPAL EMPLOYEE
PENSION PLAN AGREEMENT

AN AGREEMENT, dated this 18th day of March, 1991, by and between the Township of Wilkins and the Pennsylvania Municipal Retirement Board (the Board);

WHEREAS, Article IV, Section 401 of the Act of February 1, 1974, No. 15, states:

> "401. This article shall provide for the enrollment of those municipalities in the Pennsylvania Municipal Retirement System which want to offer retirement benefits to their employees different from those available under Article II and Article III of the Act. It shall also provide for increasing member benefits for municipalities formerly enrolled under the provisions of Article II and Article III of this Act, ...", and;

WHEREAS, Township of Wilkins has previously enrolled their municipal employees in the Pennsylvania Municipal Retirement System and now desires to improve the benefits for the municipal employees:

NOW THEREFORE, the Pennsylvania Municipal Retirement Board and Wilkins Township hereby agree to the following retirement pension plan for the municipal employees:

1. Coverage: This plan shall cover all permanent municipal employees, hereinafter referred to as "member", of the Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited as is membership for individuals paid only on a fee basis. Individual membership shall be effective as of the date the Township entered into the Pennsylvania Municipal Retirement System or upon the expiration of the individual's probationary status, whichever is most recent.

Credited service shall accrue from the original member's date of hire so long as there is continuous, uninterrupted employment to the municipality. Credited service time earned prior to the enrollment of the Township into the System shall be known as prior service.

No credited service shall be granted for time employed in a status other than an active employee of the municipality excluding credit for purchased military service, reinstatement of previous service or service earned and credited under the portability section of this agreement (Section 11).

2. Superannuation Retirement Age: Eligibility for a superannuation retirement shall occur upon the member's attainment of sixty-five (65) years of age or older.

3. Basic Benefit: The basic annual benefit shall be equal to one and twenty-five hundredths percent (1.25%) of the member's final salary multiplied by all years of credited service.

4. Final Salary: The member's final salary shall be the average annual compensation of the member during their final five (5) years of employment, or if not so long employed, then the average annual compensation earned and paid during the whole period of such employment.

5. Early Retirement: A member who has been involuntarily terminated after eight (8) years of credited service, who has separated voluntarily after twenty-four (24) years of credited service, or who has attained the age of sixty-two (62) may retire early. Benefits will be actuarially reduced for each year or partial year thereof prior to age sixty-five (65) that early retirement takes place.

6. Permanent Disability Benefits: A member who has ten (10) or more years of credited service may, upon application or on application of one acting in the member's behalf, or upon application of a responsible official of the municipality, be retired by the Board on a disability allowance (1) if the member is under superannuation retirement age, or on a superannuation retirement allowance if the member has attained or passed such age, and (2) if the physician designated by the Board, after medical examination of the member shall certify to the Board that the individual is unable to engage in any gainful employment and that said member ought to be retired. When the disability of a member is determined to be service-connected, as defined in Act 15 of 1974, no minimum period of service shall be required for eligibility.

A disability annuity payable from the total disability reserve account which, together with the municipal annuity and the member's annuity, if any, shall be sufficient to produce a retirement allowance of thirty percent (30%) of the member's final salary. Where the disability of the member is determined to be service-connected, the disability allowance shall equal fifty percent (50%) of the member's final salary. The disability annuity shall be reduced by the amount of any payments for which the member shall be eligible under the Act of June 2, 1915 (P.L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act" or the Act of June 21, 1939 (P.L. 566, No. 284), known as "The Pennsylvania Occupational Disease Act."

Any member with eight (8) or more years of credited service entitled to retire for disability may, in lieu of such retirement, elect to retire not voluntarily under the provisions of Section 5.

Should a disability annuitant die before the total disability retirement allowance received equals the amount of the member's accumulated deduc-

tions at the time of disability retirement, the Board shall pay to the named beneficiary (if living, or if the named beneficiary predeceased the annuitant, or no beneficiary was named, then to the annuitant's estate) an amount equal to the difference between such total retirement allowance received and the annuitant's accumulated deductions. If such difference is less than one hundred dollars ($100) and no letters have been taken out on the estate within six (6) months after death, such difference may be paid to the undertaker or to any person or municipality who or which shall have paid the claim of the undertaker.

7. Death Benefit: A member who is entitled to an early retirement allowance (because of reaching sixty-two years of age) or a member who is entitled to a voluntary early retirement allowance (because of completing twenty-four (24) years of credited service) may file a written application for retirement requesting that such retirement become effective at the time of death. The application must be filed with the Pennsylvania Municipal Retirement Board on PMRB-8.

When applying for retirement, the member may elect one of the options provided in Section 12 and nominate a beneficiary. The application shall be held by the Board (1) until the member files a later application (PMRB-8) for a retirement allowance or (2) until the death of the member while in municipal service.

If a member entitled to a retirement allowance dies while in municipal service, benefits become effective as if the member had retired on the day immediately preceding death. The beneficiary receives the annuity option elected before the member's death. If an option was not filed with the Board, it shall be considered that the member elected Option 1 as provided in Section 12 of this agreement. In such event, payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form (PMRB-2) on file with the Board.

8. Military Service: Any member employed by the Township who has been a regularly appointed employee for at least six (6) months and is inducted into the military service of the United States, shall have all of the time spent in such military service credited to their employment record for pension or retirement benefits if person returns or has heretofore returned to employment within six (6) months after separation form the service.

An active member may also purchase credit for other than intervening military service performed for the United States in times of war, armed conflict or national emergency, so proclaimed by the President of the United States, for a period not to exceed five (5) years, provided the member has completed five (5) years of service to the municipality subsequent to such military service. An active member may file an application with the Board for permission to purchase credit for nonintervening military service upon completion of five (5) years of subsequent service to the municipality.

The amount due from the member shall be certified by the Board in accordance with methods approved by the actuary. It may be paid in a lump sum within thirty (30) days or it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the Board.

The rate of interest to be charged to a member on purchase of credit for intervening or nonintervening military service shall be the rate being credited by the System to members' accounts in effect on the date of the member's application, compounded annually.

A member may purchase credit for intervening or nonintervening military service only if discharge or separation from the service was granted under other than dishonorable conditions.

A member may not purchase military credit for any service that is covered by another retirement system administered and wholly or partially paid for by any other government agency or private employer.

9. Contributions by Members: Members shall pay four and five tenths percent (4.5%) of their total compensation in a manner consistent with Board established policy. If a member terminates prior to becoming eligible for any benefit or elect not to receive a benefit, they shall be entitled to their accumulated contributions, interest and any excess investment monies allocated to their member account.

10. Vesting: After twelve (12) years of credited service, a member may vest by filing an application with the Board within ninety (90) days of separation from employment. Upon attainment of superannuation age, a benefit will be calculated in accordance with Section 3 of this agreement.

11. Portability: When a member leaves the employ of the Township and enters into the employ within one year of separation of another municipality that has joined the System, the member's service credits shall remain impaired. Should a member from the employ of another municipality that has joined the System separate from service and within one year of separation join the pension plan, the member's service credits will remain unimpaired. In such cases, any unpaid municipal liability for prior service shall be prorated by the System between the municipalities on an equitable basis.

12. Options on Superannuation, Early Retirement or Vesting: At the time a member elects to receive a retirement benefit allowance, the benefit may be payable throughout the member's life, in which case the benefit is known as a Single Life Annuity. The member may alternatively elect at the time of retirement to receive the equivalent actuarial value in a lesser allowance, payable throughout life with provisions that:

(a) Option 1. If the member dies before receiving in payments the present value of the retirement allowance as it was at the time of retirement, the balance, if less than five thousand dollars ($5,000), shall be paid in a lump sum to the designated beneficiary if living, or if the named beneficiary predeceased the member or if no beneficiary was named, then to the member's estate. If the balance is five thousand dollars ($5,000) or more, the beneficiary may elect, by application duly acknowledged and filed with the Board to receive payment of such balance according to any one of the following provisions:

(i) in a lump-sum payment, or

(ii) in an annuity having a present value equal to the balance payable, or

(iii) in a lump-sum payment and an annuity. Such annuity shall be of equivalent actuarial value to the balance payable less the amount of the lump-sum payment specified by the beneficiary.

(b) Option 2. Upon the annuitant's death, the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.

(c) Option 3. Upon the annuitant's death, one-half of the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.

(d) Option 4. A member may elect to receive, in one payment at the time of retirement, the full amount of the member's accumulated deductions (not to include excess investment monies) standing to his credit in the member's account. In so electing this option, the member forfeits the portion of the annuity paid for from the accumulated contributions, but shall continue to be entitled to an annuity comprised of the municipal contribution and any excess investment monies so credited to the account. Any member electing this option shall be entitled to receive his remaining annuity calculated in accordance with any of the other options provided for in this section.

Should a member who has elected a Single Life Annuity die before receiving in annuity payments the full amount of the total accumulated deductions standing to their credit in the member account on the effective date of retirement, the balance shall be paid to the designated beneficiary.

13. Social Security Offset: There shall be no offset for Social Security retirement benefits received by a member.

14. Determination of Municipal Liability: The Board, having caused an actuarial study to be made, established the employer's normal cost of the plan to be two and seventy-three hundredths percent (2.73%) of the original member's compensation. The Board will redetermine, from time to time, (1) the amount which shall be contributed annually by the municipality for service credits of original and new members subsequent to the time the municipality joined the System, and (2) the additional amount which shall be contributed annually toward a reserve account for disability allowances payable to original and new members, in order that all future service liability may be fully funded on an actuarial basis and in accordance with the provisions of Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

The amounts so determined shall be computed in accordance with the requirements of Act 205 of 1984, the Municipal Pension Plan Fund Standard and Recovery Act, and Act 15 of 1974, the Pennsylvania Municipal Retirement Law, and subsequent amendments to each act.

15. Procedure: Matters or procedure not covered in this agreement shall be as set forth in Act 15 of 1974 and as found in Act 205 of 1984, as they shall, from time to time, be amended.

Should any change or mistake in records result in any member, beneficiary or survivor annuitant receiving from the System more or less than they would have been entitled to receive had the records been correct, then regardless of the intentional or unintentional nature of the error and upon the discovery of such error, the Board will correct the error and so far as practicable will adjust the payments which may be made for and to such person in such a manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid.

16. Unfunded Liability: Any unfunded liability incurred by the creation of benefits under this agreement shall be borne by the Township of Wilkins.

17. Effective Date: This agreement shall be effective the first day of January, 1991, with the acceptance of the same by the Township of Wilkins and the Pennsylvania Municipal Retirement Board. Termination of this agreement shall be in accordance with Section 412 of Act 15 of 1974.

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IN WITNESS WHEREOF, we have hereunto set our hands and seal the day, month and year above written.

ATTEST: PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

BY: _____ BY: _____

Secretary

ATTEST: WILKINS TOWNSHIP, ALLEGHENY COUNTY

BY: _____ BY: _____

Francis R. Kuszajewski, Secretary Victor A. Dinzeo, President, Board of Commissioners

TALLY OF VOTES - YEAS 4 NAYS 0

Approved as to form and legality:

BY: _____

Office of Attorney General

BY: _____

Chief Counsel for
Office of General Counsel

ELB:ah
10-31-90

ORDINANCE NO. 809

AN ORDINANC E OF THE TOWNSHIP OF WILKINS
REPEALING ORDINANCE NO 227 IN ITS ENTIRETY

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION 1. Ordinance No. 227 adopted on September 17, 1956 is repealed in its entirety.

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 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

I-3-a

OFFICIAL

Wilkins Township

ORDINANCE NO. 227

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING A POLICE FORCE FOR SAID TOWNSHIP AND FIXING THE NUMBER, RANK AND COMPENSATION OF THE MEMBERS OF SAID TOWNSHIP POLICE FORCE AND MAKING OTHER VARIOUS AND SUNDRY PROVISIONS RELATIVE TO THE SAME.

WHEREAS, the Board of Commissioners of the Township of Wilkins have realized the need for a police force consisting of full-time policemen to police the Township of Wilkins and to enforce its ordinances and the laws of this Commonwealth, and

WHEREAS, the financial position of said Township is such that this need can now be met.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Commissioners of the Township of Wilkins in meeting duly assembled, a quorum being present, as follows:

Section 1. The Board of Commissioners of Wilkins Township shall appoint and fix the number, rank and compensation of the members of the Township police force. Such police force shall consist of a Chief-of-Police and a Patrolman and such others as the community may from time to time appoint by Resolution. The Chief-of-Police shall receive as salary therefore the sum of four thousand two hundred and fifty ($4250.00) per year or such salary as the Board of Commissioners may determine from time to time by resolution. Patrolmen shall receive the salary of three thousand eight hundred ($3,800.00) per year or such compensation as the Board of Commissioners shall from time to time determine by resolution.

Section 2. In addition to the police force as established in Section thereof, the Board of Commissioners may by resolution appoint as temporary, part-time policemen bearing the rank of patrolman not more than five such part-time, temporary police, who shall receive as compensation the sum of one dollar and thirty ($1.30) per hour or such compensation as the Board of Commissioners shall, by resolution determine from time to time.

Section 3. Police officers, whether temporary or permanent, shall make written applications for such positions which applications shall be directed to the Secretary of the Board of Commissioners and before the appointment by the Board of Commissioners to such positions, each such applicant shall furnish to the Board of Commissioners a letter from the District Attorney's Office of Allegheny County, Pennsylvania, disclosing and setting forth any and all criminal record which such applicant may have as of the time of his application. In addition, each applicant prior to his appointment must submit to a physical examination by a licensed physician of the Board of Commissioners' choosing and must also submit to such an examination annually thereafter.

Section 4. No person or persons shall be appointed to any of the aforementioned positions except by a majority vote of the Commissioners of Wilkins Township and following such appointment, the services of such person or persons in such positions shall not commence until they have received from the Secretary of the Board of Commissioners of Wilkins Township a letter of appointment which letter shall specify in detail the duties of such person, his rank, tenure in office and salary for the position to which he or she has been appointed.

Section 5. The Township of Wilkins shall furnish to each such officer at the cost of the township the necessary badges for his office and commencing with January 1, 1957, there shall be a uniform allowance paid to each of such officers after three months of continuous service in the sum of fifty dollars ($50.00) per year or in such amount as the Board of Commissioners of Wilkins Township shall from time to time determine and upon the termination of the services of such officer, whether the same be voluntary or involuntary, the badges in the possession of such officer, shall be returned and given into the custody of the chief-of-police and the chief-of-police shall give a receipt to such officer for the same.

Section 6. Each and every one of said officers must at all times, when on duty, carry a revolver in the accustomed police practice which revolver each of said policemen must furnish, together with the holster, gun belt and cartridges for the same, except that, said revolver cannot be an automatic revolver and the same must be submitted for inspection and approved by the Chairman of the Public Safety Committee of the Board of Commissioners of Wilkins Township. All uniforms shall be in accordance with directives issued by the Public Safety Committee through its Chairman to the Chief-of-Police.

Section 7. All officers thus hired shall be on a probationary period for a period of six months from the date of the commencement of their employment as set forth in the letter of appointment before referred to and during said six month probationary period any of said officers may and can be discharged without any cause whatsoever by the Board of Commissioners of the Township of Wilkins upon written notice to said officers or officer.

Section 8. The Chief-of-Police shall receive all of his orders, directives, rules and regulations from the Chairman of the Committee for Public Safety and shall be under the direct supervision and control of the aforementioned Chairman. The Chairman of the Committee of Public Safety shall arrive at such orders, directives, rules and regulations after the approval of the Committee on Publis Safety and after the same are submitted to and approved by the Board of Commissioners of Wilkins Township.

Section 9. The said policeman shall be ex-officio constables of the township and may, without warrant and on view, arrest and commit for hearing any and all persons guilty of a breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any of the ordinances of the township for the violation of which a fine or penalty is imposed.

Section 10. It shall not be lawful for any such policemen to charge or accept any fee or other compensation, in addition to his salary, for any service rendered or performed by him of any kind or nature whatsoever pertaining to his officer or duties as a policeman, except public rewards and the expenses incurred in the discharge of his duties.

Section 11. If any section or provision of this ordinance be declared by the Courts to be 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.

Section 12. That any ordinance or part of any ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed.

Ordained and enacted into law this 17th day of Sept., 1956.

ATTEST:

M. Jos. Martinelli,
Secretary

TOWNSHIP OF WILKINS
BY Richard B. Rose,
President

Examined and approved by me this 17th day of Sept., 1956.

Frank Reich,
Solicitor

IND. 9/27

ORDINANCE NO. 810

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 693 TO PROVIDE THAT
TRANSIENT MERCHANTS OBTAIN WRITTEN PERMISSION
OF THE REGISTERED OWNER OF ANY REAL ESTATE FROM WHICH
A BUSINESS IS CONDUCTED.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I: Ordinance No. 693 is hereby amended by adding to Section IV(A) a new subsection (B) to provide:

> (8) Applications by transient merchants shall be accompanied by written permission detailing the use authorized, signed by all registered owners of real estate (or signed by attorneys-in-fact), on which the transient merchant intends to conduct business.
>
> If attorneys-in-fact are involved, a copy of the power of attorney must be filed with the application.

RESOLVED AND ADOPTED by the Board of Commissioners at a duly assembled meeting held this 13th day of May, 1991.

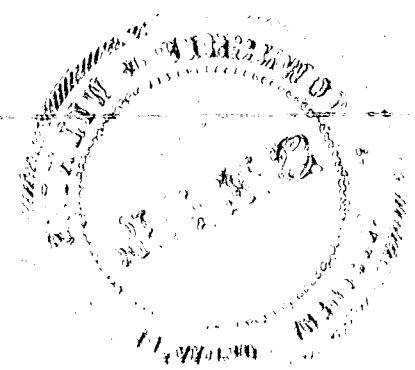
TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski

Francis R. Kuszajewski, Secretary



ORDINANCE NO. 811

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 801 TO PERMIT THE
CONSUMPTION OF BEER IN LIONS PARK.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION 1: Section XI of Ordinance No. 801 which provides:

SECTION XI: PICNICKING

The picnic facilities in the Lions Park Shelter are primarily provided for use by families, local businesses, and organizations. Picnic facilities are not to be provided to groups, unless the group has made previous reservation for the site, including the time of arrival and departure. The individual or group must have a permit in its possession signed by a Department Official. Picnic facilities in Lions Park will not be made available for cocktail or beer parties. The consumption of alcoholic beverages is prohibited on all department facilities and parking lots.

is hereby amended and as amended, shall provide:

SECTION XI: PICNICKING

The picnic facilities in the Lions Park Shelter are provided for use by families, local businesses, and organizations. Picnic facilities are not to be provided to groups, unless the group has made previous reservation for the site, including the time of arrival and departure. The individual or group must have a permit in its possession signed by a Department Official. Picnic facilities in Lions Park will not be made available for cocktail parties. The consumption of alcoholic beverages is prohibited on all department facilities and parking lots, except that,

A. The possession and consumption of beer will be permitted in the picnic shelter in Lions Park.

1. Prior to transporting beer into Lions Park shelter, a beer permit identifying the group reserving the shelter must be obtained and be in possession at the time of consumption.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 28th day of May, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

[redacted] [redacted] [redacted]

ORDINANCE NO. 812

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 691

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I: The Agreement between the Township of Wilkins and Shows, Inc., incorporated as part of Ordinance No. 691, is hereby amended as follows:

Section IV.A. of the Agreement is amended to provide:

TERM OF FRANCHISE

A. Subject to the provisions herein, the rights and privileges of the Grantee shall be extended and continue for an additional ten (10) year term (the "Extension") commencing on July 12, 1997 through and including July 11, 2007.

SECTION II: Section XIV.E.(1)(h) of the Agreement is amended to provide:

(h) Shows shall reserve one (1) channel for Community access and Public Service Use.

SECTION III: Section XVIII.A.(1) of the Agreement is amended to provide:

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 annually to the Township the following fees:

(a) For the year 1990, an amount equal to four percent (4%) of Shows, Inc. total local gross revenues from all sources attributable to the operations of Shows, Inc. within Wilkins for the year 1990.

Wilkins acknowledges receipt of a Franchise Fee equal to three percent (3%) attributable to the year 1990 and the additional one percent (1%) or EIGHT THOUSAND EIGHT HUNDRED FORTY-FIVE DOLLARS AND 04/100 ($8,845.04) shall be due and payable to Wilkins by Shows, Inc. within thirty (30) days following the date of adoption of this Ordinance.

(b) Commencing in the year 1991, and annually thereafter until expiration of the Franchise Agreement and the Extension, Show, Inc. shall pay annually as the Franchise Fee to Wilkins an amount equal to five percent (5%) of Shows, Inc. total local gross revenues from all sources attributable to the operations of Shows within Wilkins.

(c) In the event the Cable Communications Policy Act of 1984 is amended or other federal legislation is enacted during the term of the Franchise Agreement and the Extension which would change the regulation of franchise fees in the cable television industry, the parties agree to provide for an adjustment of the Franchise Fee as follows:

(ii) In the event federal law removes the percentage rate ceiling on franchise fees altogether, the parties agree to negotiate in good faith to establish a reasonable Franchise Fee for the balance of the Franchise Agreement and the Extension. In the event the parties cannot mutally agree on a Franchise Fee, the same shall be determined in accordance with cable television industry standards, by an arbitrator experienced in the cable television industry. The arbitration shall be conducted in accordance with the rules and regulations of the American Arbitration Association. If the parties cannot agree on selection of an arbitrator, either party may make application to the Court for appointment of an arbitrator.

SECTION IV: Section XVIII of the Agreement (Franchise Fees) is further amended by adding thereto subsection (d) providing as follows:

(d) The parent corporation of Shows, Inc. (ATC) is involved in certain litigation concerning a cable television franchise granted by the Municipality of Monroeville. Said litigation is docketed in the Court of Common Pleas of Allegheny County, Pennsylvania at G.D. 88-17752. Shows agrees that in the event ATC settles its litigation with monroeville for a percentage rate Franchise Fee for the time periods and percentages greater than those provided for in this Settlement Agreement, then Wilkins will be permitted to receive the benefit of the increase in the percentage rate Franchise Fee.

SECTION V: All other provisions of the Agreement between the Township of Wilkins and Shows, Inc., as adopted by Ordinance No. 691, which are not inconsistent with or in conflict with these amendments shall remain in force and effect; as well as all other terms and conditions of the Settlement Agreement executed by the Township of Wilkins and Shows, Inc. under date of April 27, 1991.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held the twenty eighth day of May, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

ORDINANCE NO. 813

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
PROVIDING FOR REGULATIONS, COLLECTION
AND RECYCLING OF RECYCLABLE MATERIALS.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 813 in the following form:

ORDINANCE NO. 813

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR ADMINISTRATION AND REGULATIONS GOVERNING COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS, AND IMPOSING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and

WHEREAS, the reduction of the amount of municipal waste and conservation of recyclable materials has become an important public concern due to the growing problem of municipal waste disposal and its impact on the environment; and

WHEREAS, the collection of recyclable materials for recycling from residences and from commercial, municipal and institutional establishments in the Municipality will serve the general public interest by reducing the volume of municipal waste which must be disposed and conserving our natural resources;

The Township of Wilkins hereby ordains as follows:

SECTION I. TITLE

The short title of this ordinance shall be the "Township of Wilkins Recycling Ordinance", and the same may be cited in that manner.

SECTION II. DEFINITIONS

The following words and phrases used throughout this Ordinance shall have the following meanings:

Act 101 shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988.

Aluminum shall mean all empty aluminum beverage or food cans.

Bi-metal Containers shall mean empty food or beverage containers consisting of steel and aluminum, and cans commonly referred to as "tin" cans.

Collector shall mean the entity or entities authorized by the Township to collect recyclable materials from residences, or authorized by commercial, municipal and institutional establishments that do not receive collection services from the Township to collect recyclable materials from those properties.

Commercial Establishments shall mean those properties used primarily for commercial or industrial purposes.

Commissioners shall mean the Board of Commissioners of the Township of Wilkins.

Community Activities are events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

Corrugated Paper shall mean structural paper materials with an inner core shaped in rigid parallel furrows and ridges.

Ferrous Containers shall mean empty steel or tin coated food or beverage containers.

Glass Containers shall mean bottles and jars made of clear, green or brown glass. Expressly excluded are non-container glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products.

High Grade Office Paper shall mean all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

Institutional Establishments shall mean those facilities that house or serve groups of people including, but not limited to, hospitals, nursing homes, orphanages, day care centers, schools and universities.

Lead Acid Batteries shall include but not be limited to automotive, truck and industrial batteries that contain lead.

Leaf Waste shall mean leaves from trees, bushes and other plants, garden residues, chipped shrubbery and tree trimmings, but not including grass clippings.

Magazines and Periodicals shall mean printed matter containing miscellaneous written

pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

Multi-Family Housing Properties shall mean any properties having four (4) or more dwelling units per structure.

Municipal Establishment shall mean public facilities operated by the Municipality and other governmental and quasi-governmental authorities.

Municipal Waste shall mean any garbage, refuse, industrial lunchroom or other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

Newspapers shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, colored comics, glossy advertising inserts and advertising inserts printed in colors other than black and white often included with newspapers.

Person(s) shall mean owners, lessees, and occupants of residences and commercial, municipal and institutional establishments. In any provisions of this Ordinance prescribing a fine, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Plastic Bags shall mean any container used for carrying, storing or disposing of groceries, wearing apparel, other retail/wholesale purchased items and yard waste.

Plastic Containers (PET) shall mean containers used for soft drinks.

Plastic Containers (HDPE) shall mean containers used for milk, clothes and dish washing soaps and other cleaning products.

Recyclable Materials shall mean materials generated by residences and commercial, municipal and institutional establishments which are specified by the Township and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Recyclable materials may include, but are not

necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics, and any other items selected by the Township or specified in future revisions to Act 101. The recyclable materials selected by the Township may be revised from time to time as deemed necessary by the Township.

Recycling shall mean the collection, separation, recovery and sale or use of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials.

Residences shall mean any occupied single family dwelling, duplex or double house for which the Township provides municipal waste collection service.

Secretary/Manager shall mean the Secretary/Manager or Assistant Secretary/Manager of the Township.

Source Separated Recyclable Materials shall mean those materials separated at the point of origin for the purpose of being recycled.

Super Mix Paper shall mean an unseparated mix of all recyclable grades and types of paper items used in offices for which one unit price is offered by a recycling broker or market.

Township shall mean the Township of Wilkins.

Waste shall mean a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved by the PA Department of Environmental Resources for beneficial use.

SECTION III. ESTABLISHMENT OF PROGRAM/GRANT OF POWER

The Township hereby establishes a Recycling Program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments located in the Township for which waste collection is provided by the Township or any other collector. Collection of the recyclable materials shall be made at least once per month by the Township, its designated agent, or any other solid waste collectors operating in the Township and authorized to collect recyclable materials from residences or from commercial, municipal and institutional establishments. The

Recycling Program shall also contain a sustained public information and education program.

Specific program regulations are provided as an attachment to this Ordinance. The Commissioners are empowered to make changes to program regulations as necessary, as described in Section X. Subsequent changes in the program regulations may be made through approval of the Commissioners.

SECTION IV. LEAD ACID BATTERIES

Disposal by persons of lead acid batteries with other municipal wastes is prohibited and shall be a violation of this Ordinance.

SECTION V. SEPARATION AND COLLECTION

A. All persons who are residents of the Township shall separate all of those recyclable materials designated by the Township from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection, and shall place same for collection in accordance with the guidelines established hereunder.

1. Persons in residences must separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided by the Township for collection. Any containers provided to residences for collection of recyclable materials shall be the property of the Township and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Township shall be responsible for returning the allocated container(s) to the Township or shall pay the replacement cost of the Township container. Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person allocated such container(s) shall be a violation of this Ordinance.

   Residents may, if necessary, purchase additional containers of their choosing for recyclable materials. However any such container must bear the self-adhesive recycling logo label. The labels are available at the Township office free of charge.

2. An owner, landlord, manager or agent of an owner, landlord or manager of a multifamily housing property with more than four (4) units, not

serviced by the Township program, shall comply with its recycling responsibilities by establishing a collection system at each property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers, and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords, managers and agents of owners, landlords or managers who comply with this Ordinance shall not be liable for non-compliance of occupants of their buildings. Leases shall contain provisions requiring occupants to comply with recycling laws and regulations.

If recyclable materials are collected by a collector other than the Township or its authorized agent, owners, landlords and agents of owners or landlords shall submit an annual report to the Township reporting the tonnage of materials recycled during the previous year. This requirement may be fulfilled by submission of a letter or form from the collector which certifies that recyclable materials are being collected from the multi-family housing property.

B. All persons must separate leaf waste from other municipal waste generated at their houses, apartments and other residential establishments for collection.

C. Commercial, industrial, multi-family and other entities not serviced by the Township Collector must separate high grade office paper, aluminum, corrugated paper, leaf waste, clear, green and brown glass and such other materials as may be designated by the Township generated at commercial, municipal and institutional establishments and from community activities and store the recyclable materials until collection and provide for collection and removal of Recyclable Materials periodically as mandated in Township regulations.

These entities shall:

1. Provide for the recycling of high grade office paper, aluminum, corrugated paper, leaf waste, clear green and brown glass, and other materials deemed appropriate by the Township.

2. Submit, at a minimum, an annual recycling report to the Secretary/Manager of the Township. The report shall document the

amount of municipal waste generated per year as well as the type and weight of materials that were recycled in the previous calendar year. Valid documentation shall include information from an end-use, recycler, or waste hauler which describes the type and weight of each recyclable material that was collected and marketed. Documentation may be in the form of one of the following: (A) copies of weight receipts or statements which consolidate such information; (b) a report from the provider of recycling collection services which identifies the amount of each material collected and marketed. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its source-separated materials; or (c) a report from the provider of waste collection services that identifies the type and weight of each recyclable material collected and marketed in cases where recyclables are co-mingled with the establishment's waste. The type and weight of recyclables generated by an individual establishment may be approximated based on a representative sample of its waste. For (b) and (c) where recyclables from several establishments are collected in the same vehicle, an individual establishment's contribution to the load may be apportioned. Only the weight of materials marketed for recycling purposes can be credited to an establishment.

If recyclable materials are collected by a collector other than the Township or its authorized agent, occupants of said establishments shall submit an annual report to the Township reporting the type and weight of materials recycled during the previous calendar year. This requirement may be fulfilled by submission of a letter or form from the collector which certifies that recyclable materials are being collected from the establishment.

All employees, users (patrons), and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program should describe the program's features and requirements, and should include at a minimum an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles should be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program.

Commercial, municipal and institutional establishments which generate more than 2,200 pounds of municipal waste per month should also implement a waste minimization

opportunity assessment which includes:

1. Waste characterization, including source, generation rate, management techniques, and management costs. The assessment should expressly consider high-grade office paper, aluminum, corrugated paper, leaf waste, clear green and brown glass, and any other materials generated in significant quantities.

2. A description of all possible waste minimization options, including use and waste reclamation.

3. An evaluation of the economic and technical feasibility of each option and a ranking of each option.

4. An estimate of the pay back period for each feasible option.

5. A statement of which options will be implemented, including an explanation and a timetable.

6. Identification of the individual(s) who will be responsible for implementing the plan.

The waste minimization plan should be periodically updated. Implementation of the plan should include:

1. Recycling or composting of materials, to the greatest extent feasible, either privately or through a municipal recycling program.

2. Use, to the greatest extent feasible, or products and materials which are recyclable or made of postconsumer materials.

3. Substitution, to the greatest extent feasible, or durable and reusable products and materials for products that are not durable or reusable.

4. Appropriate education materials and signs should be made available to employees or the public to encourage participation in recycling and waste reduction.

D. All recycling collection activity shall be conducted from Monday through Saturday between the hours of 6:00 A.M. and 5:00 P.M., unless prior approval

or any exception has been granted by the Township. No collection, hauling or transporting of recyclables shall be permitted on Sunday.

E. Holders of liquor licenses issued by the Commonwealth of Pennsylvania need not include bottles as Recyclables if such inclusion is in violation of applicable liquor laws.

SECTION VI. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials placed by persons for collection by the Township or authorized collector pursuant to this Ordinance shall from time of placement at the curb, become the property of the Township or the authorized collector, except as otherwise provided by Section VIII of this Ordinance. Nothing in this Ordinance shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed at the curbside for collection.

SECTION VII. COLLECTION BY UNAUTHORIZED PERSONS

It shall be a violation of this Ordinance for any person, firm or corporation, other than the Township or one authorized by the Township or other entity responsible for providing for collection of recyclable materials, to collect recyclable materials placed by residences or commercial, municipal and institutional establishments for collection by the Township or an authorized collector, unless such person, firm or corporation has prior written permission from the generator to make such collection. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION VIII. EXISTING RECYCLING OPERATIONS

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not, provided that the receiving person, firm or corporation shall not collect such donated recyclable materials from the collection point of a residence or commercial, municipal or institutional establishment without prior written permission from the Township or other entity responsible for authorizing collection of recyclable materials to make such a collection.

SECTION IX. RECYCLING OF MATERIALS

Disposal by persons of recyclable materials with wastes is prohibited and shall be a violation of this Ordinance. The collected recyclable materials shall be taken to a recycling facility. Disposal by collectors or operators of recycling facilities of source separated recyclable materials in landfills or to be burned in incinerators is prohibited unless markets do not exist and the collectors or operators have notified the Secretary/Manager in writing.

SECTION X. ENFORCEMENT AND ADMINISTRATION

The Secretary/Manager is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance as deemed necessary, including, but not limited to:

A. Establishing recyclable materials to be separated for collection and recycling by residences, and additional recyclable materials to be separated by commercial, municipal and institutional establishments.

B. Establishing collection procedures for recyclable materials.

C. Establishing reporting procedures for amounts of materials recycled.

D. Establishing procedures for the distribution, monitoring and collection of recyclable containers.

E. Establishing procedures and rules for the collection of leaf waste.

Any person, firm or corporation who shall violate the provisions of this Ordinance shall receive an official written warning of non-compliance for the first and second offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall be subject to a fine not to exceed Six Hundred Dollars. Each day of violation occurring after filing of suit by the Township shall constitute a separate and distinct violation.

F. The Township reserves the right not to collect municipal waste containing recyclable materials in combination with non-recyclable materials or not to collect municipal waste from any residence not being registered as having obtained a Township recycling container.

SECTION XI. FRANCHISE OR LICENSE

The Township may enter into (an) agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

SECTION XII. REPEAL AND SEVERABILITY

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Should any part of this Ordinance be held unconstitutional, illegal or unenforceable by any court of competent jurisdiction, such invalidity shall not affect, impair, nullify or otherwise prevent the enforcement of the remainder of this Ordinance. It is hereby declared that such parts as are legal would have been erected independently of the invalid portion had the invalidity of such part been known, and it is the intention of the Township that such remainder shall be and remain in full force and effect.

SECTION XIII. MODIFICATIONS

The Township may, from time to time, modify, add to or delete from the standards and regulations herein and as authorized in Section X.

SECTION XIV. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by law.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 29th day of JULY, 1991.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

President of the Board of Commissioners

THE MUSEUM OF MODERN ART
LIBRARY

TOWNSHIP OF WILKINS

RECYCLING PROGRAM REGULATIONS

The following regulations will govern the Wilkins Township Recycling Program as empowered by Section III and as authorized by Section X of Ordinance No. 813, enacted on the 29th day of JULY, 1991.

I. RESIDENTIAL: SINGLE FAMILY

A. Material to be recycled:

1. Glass; clear, green and brown.

2. Aluminum beverage and food cans.

3. Ferrous containers (steel or tin coated food or beverage containers);
Bi-Metal beverage and food cans (tin cans).

4. Plastic containers used for soft drinks (PET) and used for milk, soap and cleaning products (HDPE)

B. Preparation of materials:

1. All glass bottles and jars must be rinsed, labels may be left on. No window glass, light bulbs, porcelain, or ceramics are to be included. Do not break glass bottles or jars.

2. Aluminum and Bi-Metal cans must be rinsed and the paper labels must be removed. Cans may be flattened to save space if desired.

3. Plastic containers must be rinsed. Labels may be left on.

C. Storage:

1. All materials for recycling should be co-mingled and stored for collection in the container issued by the Township.

2. Storage may be in any convenient place in the residence.

D. Collection:

1. Materials for recycling will be collected once per month on the designated day during the designated week. The individual collection day shall be the same day as that designated for the collection of normal garbage and refuse.

2. The recycling container(s) must be placed at curbside for collection.

3. Placement of container(s) at curbside may be no earlier that 5:00 p.m. on the day prior to the designated collection day and must be removed from curbside, to the storage place no later than 6:00 p.m. on the day of collection.

II. RESIDENTIAL: MULTI-FAMILY

A. Materials to be Recycled:

The materials shall be the same as specified in I,A-l, 2, 3 and 4.

B. Preparation of Materials:

Preparation shall be the same as specified in I, B-l, 2 and 3.

C. Storage:

Storage of materials shall be as best suited for each multi-family building. The method of storage and storage container(s) shall be submitted to the Township, in writing, for approval. Storage outside any structure must be in sealed containers preventing invasion by rodents or insects.

D. Collection:

1. The collection day shall be at the option of the entity operating in multi-family residences.

2. The collection point shall be as best suited for each multi-family building and must be approved by the Township.

E. Education of Building Occupants:

The owner, landlord or agent of each multi-family building shall be responsible for the education of the occupants through written instructions.

F. Non-Compliance:

Owners, landlords or agents who comply with these regulations shall not be liable for the non-compliance of the building occupants. However, compliance must be mandated by the owner, landlord or agent, through lease provisions, or other enforceable regulations.

III. COMMERCIAL, MUNICIPAL & INSTITUTIONAL

A. Materials to be Recycled:

1. High grade office paper.

2. Corrugated paper.

3. Aluminum.

4. Glass; clear, green and brown.

   *Optional items: black and white newsprint, bi-metal cans and plastics.

5. Leaf waste must be separated from the waste stream.

B. Preparation of Materials:

The preparation of materials for recycling shall be as required by the collector, broker and/or end market.

C. Storage:

Storage must be done in a safe area and sanitary manner. The storage container should be of a type as recommended by the collector.

D. Collection:

1. Collection must be provided no less than one time per month.

2. The responsibility for ensuring that materials are collected shall be borne by the owner or manager of each establishment required to recycle.

E. Education of Employees:

It is the responsibility of the owner or manager of each establishment to fully educate all present and future employees of the complete details of the recycling program.

F. Annual Report:

All establishments are required to submit an annual report, on the form provided by the Township, no later than January 15 of each year.

IV. SEPARATION AND COLLECTION OF LEAF WASTE

(This section to be written upon completion of regulations by Pennsylvania DER and finalization of the Township program.)

V. AMENDMENTS TO THE REGULATIONS

These Recycling Program Regulations may be amended or changed from time to time, as deemed necessary. All such changes shall be approved, by motion, at a public meeting by The Board of Township Commissioners.

Any amendments or changes to these regulations shall not, in any way, change, alter or amend Ordinance No. _____ .

VI. APPROVAL OF REGULATIONS

These Recycling Program Regulations approved, by the Board of Commissioners at a duly assembled public meeting held this 29th day of JULY, 1991.

ATTEST:

Jennifer R. Kuzniewski

TOWNSHIP OF WILKINS

By Victor A. Dinzio

President of the Board of Commissioners

ORDINANCE NO. 814

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
REGULATING THE CARE AND REMOVAL OF GARBAGE
RUBBISH AND OTHER REFUSE MATERIALS.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 814 in the following form:

ORDINANCE NO. 814

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, PROHIBITING THE ACCUMULATION, BURYING, AND BURNING OF GARBAGE AND OTHER REFUSE MATERIALS UPON PRIVATE PROPERTY IN SAID TOWNSHIP, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE; REQUIRING THAT ALL GARBAGE, RUBBISH, AND OTHER REFUSE BE CONVEYED TO A TRANSPORTATION, PROCESSING OR DISPOSAL FACILITY DESIGNATED BY THE TOWNSHIP OFFICIALS; REGULATING THE CARE AND REMOVAL OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS AND PROVIDING FOR THE COLLECTION OF GARBAGE, RUBBISH, AND OTHER REFUSE MATERIALS ONLY BY LICENSED COLLECTORS IN SAID TOWNSHIP; THE ESTABLISHMENT OF FEES AND CHARGES FOR THE COLLECTION OF GARBAGE, RUBBISH, AND REFUSE IN SAID TOWNSHIP; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, pursuant to the authority vested to the Township by the Pennsylvania Solid Waste Management Act of 1980 (Act 97), the Township of Wilkins is desirous of enacting an Ordinance regulating the storage, collection, and disposal of rubbish, refuse, and garbage in the Township.

The Township of Wilkins hereby ordains as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and referred to as the "Solid Waste Ordinance."

SECTION II: DEFINITIONS

The following words and phrases as used in this ordinance shall have the meaning ascribed herein, unless the context clearly indicates a different meaning:

Act or Act 97 - The Pennsylvania Solid Waste Management Act of 1980 (P.L.

380, No. 97, July 7, 1980).

Agricultural Waste - means poultry and livestock manure, or residual materials in liquid or solid form, generated in the production, and marketing of poultry, livestock, fur-bearing animals and their products, provided such waste is not a hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural and agricultural crops or commodities grown on what are usually recognized and accepted as farms, forest, or other agricultural lands.

Bulky Waste - means large items of solid waste including but not limited to appliances, furniture, trees, branches or stumps which may require special handling due to their size, shape or weight.

Commercial Establishment - means any establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Commissioners - shall mean the Township Commissioners of the Township of Wilkins.

Construction Demolition Waste - means all municipal and residual waste building materials, grubbing waste, and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures and pavements.

Department - shall mean the Pennsylvania Department of Environmental Resources.

Disposal - means the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

Domestic Waste or Household Waste - means solid waste, comprised of garbage and rubbish, which normally originates in the residential private household or apartment house.

Garbage - means any solid waste derived from animal, grain, fruit, or vegetable

matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

Hauler or Private Collector - means any person, firm, copartnership, association or corporation who has been licensed by the Township or its designated representative to collect, transport, and dispose of refuse for a fee as herein prescribed.

Hazardous Waste - means any solid waste or combination of solid wastes, as defined in the Act, which because of its quantity, concentration or physical, chemical, or infectious characteristics may: (l) cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Health Department - Allegheny County Health Department

Industrial Establishment - means any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional Establishment - means any establishment engaged in service, including but not limited to hospitals, nursing homes, orphanages, schools and universities.

Municipal Waste - means garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include source separated recyclable materials.

Person - means any individual, partnership, corporation, association, institution, cooperative enterprise, State institution and agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Processing - means any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

Refuse - means all solid waste materials which are discarded as useless.

Residual Waste - means any garbage, refuse, other discarded material or other-waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act." Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to "The Clean Streams Law."

Rubbish - means all non-putrescible municipal waste except garbage and other decomposable matter. This category includes but is not limited to ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

Scavenging - means the unauthorized and uncontrolled removal of material placed for collection or from a solid waste processing or disposal facility.

Secretary/Manager - shall mean the Secretary/Manager or Assistant Secretary/Manager of the Township of Wilkins.

Sewage Treatment Residues - shall mean any coarse screenings, grit and dewatered or air-dried sludges from sewage treatment plants and pumpings from septic tanks or septage which are a municipal solid waste and require proper disposal under Act 97.

Solid Waste - means any waste, including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

Source Separated Recyclable Materials - shall mean those materials separated at the

point of origin for the purpose of being recycled.

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

Township - shall mean the Township of Wilkins.

Transportation - means the off-site removal of any solid waste at any time after generation.

Transfer Station - means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

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

SECTION III: PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to accumulate or permit to accumulate upon any public or private property within the Township, any garbage, rubbish, bulky waste, or any other municipal or residual solid waste except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

2. It shall be unlawful for any person to burn any solid waste within the Township except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

3. It shall be unlawful for any person to dispose of any solid waste in the Township except in accordance with the provisions of this Ordinance, any Department rules and regulations adopted pursuant to Act 97 and the Health Department Rules and Regulations, Article VIII.

4. It shall be unlawful for any person to haul, transport, collect or remove any

solid waste from public or private property within the Township without first securing a license to do so in accordance with the provisions of this Ordinance.

5. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Township.

6. It shall be unlawful for any person to salvage or reclaim any solid wastes within the Township except at an approved and permitted resource recovery facility under Act 97 and any Department rules and regulations adopted pursuant to Act 97.

7. It shall be unlawful for any person to throw, place or deposit, or cause or permit to be thrown, placed or deposited any solid waste in or upon any street, alley, sidewalk, body of water, public or private property within the Township except as provided in this Ordinance.

SECTION IV: STANDARDS FOR STORAGE OF SOLID WASTE

1. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances.

2. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections, and shall place and store all waste materials therein.

3. Any person storing municipal waste for collection shall comply with the following preparation standards:

   a. All municipal waste shall be drained free of liquids before being placed in storage containers.

   b. All garbage or other putrescible waste shall be securely wrapped in paper, plastic or similar material or placed in properly tied plastic bags.

c. All cans, bottles or other food containers should be rinsed free of food particles and drained before being placed in storage containers.

d. Garden clippings and tree trimmings shall be placed in approved containers or shall be cut and tied securely into bundles. Bundles shall be not more that three (3) feet in length, not more than three (3) feet in diameter and not more that sixty (60) pounds in weight.

e. Newspapers and magazines shall be placed in approved containers or shall be tied securely into bundles of not more that sixty (60) pounds in weight.

f. When specified by the Township or its designated representative, special preparation and storage procedures may be required to facilitate the collection and resource recovery of certain waste materials.

g. Carpet and/or carpet padding shall be placed in an approved closed container or must be cut in lengths not exceeding eight (8) feet and securely tied. No single piece shall be more than sixty (60) pounds in weight.

4. All municipal waste shall be stored in containers approved by the Township or its designated representative. Individual containers and bulk containers utilized for storage of municipal waste shall comply with the following standards:

a. Reusable containers shall be constructed of durable, watertight, rust and corrosion resistant material, such as plastic, metal or fiberglass, in such a manner as to be leak-proof, weather-proof, insect-proof, and rodent-proof.

b. Reusable containers for individual residences shall have a tight-fitting cover and suitable lifting handles to facilitate collection.

c. Reusable containers for individual residences shall have a capacity of not less than ten (10) gallons nor more than thirty-five (35) gallons, and a loaded weight of not more than sixty (60) pounds.

d. Disposable plastic bags or sacks are acceptable containers provided the bags are designated for waste disposal. Plastic bags shall have sufficient wall strength to maintain physical integrity when lifted by the top, shall be securely tied at the top for collection, and shall have a capacity of not more than thirty-five (35) gallons and a loaded weight of not more than sixty (60) pounds.

5. Any person storing municipal waste for collection shall comply with the following storage standards:

a. Containers shall be kept tightly sealed or covered at all times. Solid waste shall not protrude or extend above the top of the container.

b. Reusable containers shall be kept in a sanitary condition at all times. The interior of the containers shall be thoroughly cleaned, rinsed, drained and disinfected, as often as necessary, to prevent the accumulation of liquid residues or solids on the bottom or sides of the containers.

c. Containers shall be used and maintained so as to prevent public nuisances.

d. Containers that do not conform to the standard of this Ordinance or which have sharp edges, ragged edges or any other defect that may hamper or injure collection personnel shall be promptly replaced by the owner upon notice from the Township or its designated representative.

e. Containers shall be placed by the owner or customer at a collection point specified by the Township or its designated representative.

f. With the exception of pick-up days when the containers are placed for collection, the containers shall be properly stored on the owner or customer premises at all times.

g. Bulk waste items such as furniture, appliances, and tires shall be stored in a manner that will prevent the accumulation or collection of water, the harborage of rodents, safety hazards and fire hazards. Doors must be removed from appliances.

6. The storage of all municipal waste from multi-family residential units, commercial establishments, institutions and industrial lunchroom or office waste sources is subject to the regulations and standards set forth in this Ordinance. The type, size and placement requirements for bulk containers shall be determined by the waste generator and the waste hauler, and are subject to approval by the Township.

SECTION V: STANDARDS AND REGULATIONS FOR COLLECTION

1. The Township shall provide for the collection of all garbage, rubbish, and bulky wastes from individual residences, duplexes and townhouses, or it may contract with a private collector or collectors to provide this essential residential collection service. Remodeling and repair waste will be collected only when generated within the residence submitting it for collection.

2. All single family, duplex and townshouse residences shall utilize the residential collection service provided by the Township.

3. All multi-family, commercial, institutional, and industrial establishments shall negotiate and individually contract collection service with the Township's collector or any other properly licensed waste hauler of their choice.

4. All residential garbage and rubbish shall be collected at least once a week.

5. All commercial, institutional, public and industrial lunchroom and office waste containing garbage shall be collected at least once a week. Rubbish collection from these sources shall be made as often as necessary to control health hazards, odors, flies, and unsightly conditions. The Township may require more frequent collection when deemed necessary, by duly adopted regulation.

6. Residential collection schedules shall be published, as deemed necessary, by the Township or its contracted hauler.

7. Placement of container(s) at curbside may be no earlier than 5:00 p.m. on the day prior to the designated collection day and must be removed from curbside, to the storage place, no later than 6:00 p.m. on the day of collection.

8. All waste collection activity shall be conducted from Monday through Saturday between the hours of 6:00 a.m. and 5:00 p.m., unless prior approval or any exception has been granted by the Township. No collection, hauling, or transporting of solid waste shall be permitted on Sunday.

9. All licensed haulers and haulers under contract with the Township shall comply with the following standards and regulations:

   a. All municipal waste collected within the Township shall ultimately be disposed only at a landfill cited in the Allegheny County Solid Waste Plan - 1990 or on subsequent revisions thereto.

   b. Any trucks or other vehicles used for the collection and transportation of municipal waste must comply with the requirements of Act 97, and any Department regulations adopted pursuant to Act 97 and must be licensed by the Allegheny County Health Department.

   c. All collection vehicles conveying domestic waste and garbage shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors, the creation of odors and other nuisances.

   e. All solid waste shall be collected and transported so as to prevent public health hazards, safety hazards and nuisances.

   f. All solid waste collection vehicles shall be operated and maintained in a clean and sanitary condition.

SECTION VI: COLLECTION AND DISPOSAL CHARGES

1. The Township may make funds available, in accordance with applicable law, for the establishment, maintenance, and operation of a municipal solid waste collection and disposal system; or for the contracting of such service to a private collector.

2. Licensed haulers not under contract with the Township shall be responsible for the collection of any fees for private arrangement or private contract

solid waste collection and disposal services provided to any individual, residential, commercial, institutional, or industrial source within the Township.

SECTION VII: ADMINISTRATIVE APPEALS

1. All appeals shall be made in writing to the Secretary/Manager of the Township.

2. Pending a reversal or modification, all decisions of the Township Manager shall remain effective and enforceable.

3. Appeals may be made by the following persons:

   a. Any person who is aggrieved by a new standard or regulation issued by the Township may appeal within ten (10) days after the Township gives notice of its intention to issue the new standard or regulation.

4. Appeals shall be conducted pursuant to the Local Agency Law.

SECTION VIII: INJUNCTION POWERS

The Township may petition the appropriate Court for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this Ordinance.

SECTION IX: PENALTIES

Any person who violates any provision of this Ordinance shall be subject to a fine not to exceed Six Hundred ($600.00) Dollars. Each day of violation occurring after filing of suit by the Township shall constitute a separate and distinct violation.

SECTION X: SEPARABILITY

In the event that any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be invalidated by such action.

SECTION XI: CONFLICT

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION XII: EFFECTIVE DATE

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 29th day of JULY, 1991.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

President of the Board of Commissioners

ORDINANCE NO. 815

AN ORDINANCE OF THE TOWNSHIP OF WILKINS LEVYING ASSESSMENTS AS CERTIFIED BY THE TOWNSHIP ENGINEER AGAINST LOTS BENEFITTED, IMPROVED OR ACCOMMODATED BY A WATER MAIN CONSTRUCTED IN BROWN AVENUE AND PROVIDING FOR NOTICE AND COLLECTION OF SAID ASSESSMENTS.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 815 in the following form:

ORDINANCE NO. 815

AN ORDINANCE OF THE TOWNSHIP OF WILKINS LEVYING ASSESSMENTS AS CERTIFIED BY THE TOWNSHIP ENGINEER AGAINST LOTS BENEFITTED, IMPROVED OR ACCOMMODATED BY A WATER MAIN CONSTRUCTED IN BROWN AVENUE AND PROVIDING FOR NOTICE AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, the Township of Wilkins adopted Ordinance No. 799 on April 9, 1990 authorizing construction of an eight inch water main in Brown Avenue and providing for payment of the costs of the project by an assessment procedure; and

WHEREAS, the project was completed on the 14th day of May, 1991 as certified by the Project Engineer.

NOW THEREFORE, the Township of Wilkins Ordains as Follows:

SECTION 1.

Each property abutting the water main, as more particularly set forth in the schedule prepared by the Township Engineer, shall be assessed according to the foot-front rule as certified and determined by the Township Engineer.

SECTION II.

The Schedule of assessments as certified and determined by the Township Engineer against the properties identified in said schedule and in the amounts determined in said schedule be and the same hereby are levied against the properties benefitted, improved or accommodated by the water main project.

SECTION III.

The Township Secretary shall cause thirty days' notice of the assessment to be given to each party assessed by service on the owner or his agent or left on the assessed

premises.

SECTION IV.

If any assessment shall remain unpaid at the expiration of thirty (30) days from service of the notice aforesaid, it shall be the duty of the Township Solicitor to collect the assessment, penalty and interest in the manner provided by law for the collection of municipal liens.

SECTION V.

The schedule of assessment prepared by the Township Engineer is attached to this Ordinance and made a part hereof.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 9th day of September, 1991.

ATTEST: THE TOWNSHIP OF WILKINS

Lorraine R. Kuzzjinski By Victor A. Dinzeo

Secretary President of the Board of Commissioners

ASSESSMENT
BROWN AVENUE WATERLINE
WILKINS TOWNSHIP
SECO 623
8/6/91

Project Costs	
Construction Costs	$12,344.39
Legal Costs	$600.00
Engineering Cost for Preparation of Assessment	$1,362.25
Total Project Costs	$14,306.64

Township Share (75%)	$10,729.98
Residents Share (25%) Cost Assessed Against Properties Benefitted	$3,576.66
Cost Per Foot Assessed Against Properties Benefitted (Based on 488.87 of Waterline)	$7.31617813

Property Owner	Lot & Block	Front Footage (Feet)	Assessment Footage Times Cost Per Foot $7.31617813
Richard E. Hall	373-M-148	60.01	$439.05
Richard E. Hall	373-M-152	40.04	$292.94
East Borough Company	373-M-150	271.87	$1,989.05
Richard L. Staudt & Sheila A. Staudt	373-S-5	56.12	$410.58
Richard L. Staudt & Sheila A. Staudt	373-S-7	60.83	$445.04
TOTALS		488.87	$3,576.66

ORDINANCE NO. 816

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
INCREASING THE TOWNSHIPS UNIT DEBT
ACT DEBT BY $98,945.00

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 816 in the following form:

ORDINANCE NO. 816

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
INCREASING THE TOWNSHIPS UNIT DEBT ACT DEBT BY $98,945.00

WHEREAS, THE TOWNSHIP OF WILKINS (the "Local Government Unit") deems it advisable to borrow the amount shown above, pursuant to the Local Government Unit Debt Act (herein the "Act") for the purpose of acquiring, constructing or renovating the capital items listed on Exhibit A (hereinafter the "Project"); and

WHEREAS, the Local Government Unit has obtained an estimate of the cost of the Project by any or all of the following methods: taking bids, obtaining an option, obtaining estimates from registered architects, professional engineers or other persons qualified by experience; and

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

WHEREAS, Pittsburgh National Bank (the "Bank") has presented a written proposal (the "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 shown above and on Exhibit A as the principal amount, to be evidenced by an installment note (the "Note") in the form of the Note presented to this meeting and attached hereto as Exhibit N.

2. The debt to be incurred is non-electoral, general obligation, debt and is to be incurred to pay the costs of the Project which are determined to be the amount shown on Exhibit A. The useful life of the Project is shown on Exhibit A.

3. The Note shall be sold at a private sale by negotiation, which sale is hereby determined to be in the best financial interest of the Local Government Unit.

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 and will mature and bear interest at the rates and be payable on the dates shown on Exhibit A. The Bank has the ability to assess a prepayment penalty as more fully described in the Note.

5. The Proposal of the Bank presented to this meeting shall be incorporated into the minutes hereof and the proper officers of the Local Government Unit are hereby authorized and directed to execute and deliver an acceptance of the Proposal on behalf of and under the seal of the Local Government Unit.

6. The proper officers of the Local Government Unit 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 of and interest on the Note on the dates 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 Paying Agent, Registrar and Sinking Fund Depositary for the Note and there is hereby created a Sinking Fund for the payment of the principal and the interest thereon. The Treasurer of the Local Government Unit shall deposit into the Sinking Fund sufficient amounts for payment of principal of and interest on the Note no later than the date upon which such payments shall become due. The Sinking Fund Depositary shall, without further action by the Local Government Unit withdraw available moneys from the Sinking Fund and apply those moneys 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 officers shall execute and affix the seal of the Local Government Unit to the Note and 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 Note.

04/03/89

11. The Local Government Unit hereby covenants that no part of the proceeds of the Note will be used, at any time, directly or indirectly, in a manner which, if such use had been reasonably expected on the date of issuance of the Note would have caused the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the Regulations thereunder proposed or in effect at the time of such use and applicable to the Note and that it will comply with the requirements of that section and the Regulations throughout the term of the Note.

12. If the principal amount of the Note plus the aggregate principal amount of all other tax-exempt obligations issued and to be issued by the Local Government Unit during the current calendar year exceeds $5,000,000, and if the gross proceeds of the Note are invested at a yield greater than the yield on the Note and are not expended within six months from the date of issuance, the Local Government Unit covenants that it will rebate to the U.S. Treasury, at the times and in the manner required by the Code, all investment income derived from investing the proceeds of the Note in an amount which exceeds the amount which would have been derived from the investment of the proceeds of the Note at a yield not in excess of the yield on the Note.

13. The Local Government Unit will file IRS Form 8038-G and any other forms or information required by the Code to be filed in order to permit the interest on the Note to be excluded from gross income tax for federal income tax purposes.

14. 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.

15. The Local Government Unit hereby designates the Note as a Qualified Tax-Exempt Obligation pursuant to Section 265(b)(3) of the Code and represents that the total amount of its obligations so designated and to be designated during the current calendar year does not and is not expected to exceed $10,000,000.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins this 9th day of September, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President, Board of Commissioners

ATTEST:

Francis R. Kuszajewski

Francis R. Kuszajewski, Secretary

04/03/89

TOWNSHIP OF WILKINS

Allegheny County, Pennsylvania

1. Principal amount of Note: $ 98,945.00

2. Regular interest rate: 8 % per annum

3. Regular interest payment dates: May and October commencing _____, 1992.

4. Added initial interest charge: .25 % of the principal amount of the Note.

5. Added initial interest charge payment date: Date of Delivery of Note.

6. Principal payment dates and amounts:

October	, 1992	$ 19,789.00
October	, 1993	$ 19,789.00
October	, 1994	$ 19,789.00
October	, 1995	$ 19,789.00
October	, 1996	$ 19,789.00

7. The Project is: The replacement of fire apparatus by Volunteer Fire Company No. 1. The costs of which are shared between the Township and the VFC. This note pertains ONLY to the Township obligation.

8. Project Cost: $ 222,526.00

9. Estimated useful life of Project: twenty (20) years from the date of the enactment of this Ordinance.

10. Titles of Proper Officers: Victor A. Dinzeo and Francis R. Kuszajewski President, Board of Commissioners and Secretary-Manager, respectively.

EXHIBIT A

ORDINANCE NO. 817

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 815 AND LEVYING ASSESSMENTS AS CERTIFIED BY THE TOWNSHIP ENGINEER AGAINST LOTS BENEFITTED, IMPROVED OR ACCOMMODATED BY A WATER MAIN CONSTRUCTED IN BROWN AVENUE AND PROVIDING FOR NOTICE AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, the Township of Wilkins adopted Ordinance No. 799 on April 9, 1990 authorizing construction of an eight inch water main in Brown Avenue and providing for payment of the costs of the project by an assessment procedure; and

WHEREAS, the project was completed on the 14th day of May, 1991 as certified by the Project Engineer; and

WHEREAS, Ordinance No. 815 incorrectly levied assessments.

NOW, THEREFORE, the Township of Wilkins Ordains as follows:

SECTION I:

The schedule of assessments prepared by the Township Engineer and attached to ordinance No. 815 is revoked and as amended and revised schedule prepared by the Township Engineer is attached to this Ordinance and made a part hereof.

SECTION II:

The assessments identified in said attached schedule and in the amounts determined in said Schedule be and the same hereby are levied against the properties benefitted, improved or accommodated by the water main project.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 30th day of September, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski, Secretary

ASSESSMENT
BROWN AVENUE WATERLINE
WILKINS TOWNSHIP
9/16/91

Project Costs	
Construction Costs	$12,344.39
Legal Costs	300.00
Engineering Cost for Preparation of Assessment	550.00
Total Project Costs	$13,194.39
Township Share (75%)	$9,895.79
Residents Share (25%) Cost Assessed Against Properties Benefitted	$3,298.60
Cost Per Foot Assessed Against Properties Benefitted (Based on 100.05' of property benefitted)	$32.969490

PROPERTY OWNER	LOT & BLOCK	FRONT FOOTAGE BENEFITTED (FEET)	ASSESSMENT FOOTAGE TIMES COST PER FOOT $32.969490
Bernard B. Davis, Jr., Leila S. Davis	373-M-100	[1] 21.87	$0.00
Richard E. Hall	373-M-148	60.01	$1,978.50
Richard E. Hall	373-M-152	40.04	$1,320.10
East Borough Company	373-M-150	[2] Previously Benefitted	$0.00
TOTALS		100.05	$3,298.60

[1] The original construction plan called for the line to extend only to the Richard E. Hall property ending prior to the Bernard B. Davis, Jr. property. Given that the placement of a fire hydrant in front of the Hall property would interfere with the Hall entry way and parking area, the line was extended an additional 27.75', crossing 21.87' in front of the Davis property to remove the hydrant from the Hall entry way. The cost to extend the line the additional 27.75' was paid for by the Wilkinsburg-Penn Joint Water Authority. No funds were expended by Wilkins Township, and therefore, the extension is not assessable.

[2] Prior to construction of this project water was provided by a previously constructed line for a distance of 74.34' in front of the East Borough Company lot. Further extension along the East Borough Company lot during this project was to service the Richard E. Hall property.

ORDINANCE NO. 818

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 329 CONCERNING THE
TOWNSHIP OF WILKINS MANAGER

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I: Section 2 of Ordinance No. 329 is hereby amended by adding the following sentence thereto:

The Board of Commissioners may enter into employment contracts concerning the position of Township Manager for a definite term in accordance with applicable law.

SECTION II: Section 4 of Ordinance No. 329 is hereby repealed. Section 4 is hereby re-enacted to provide as follows:

Section 4, BOND: The Manager shall give a bond to the Township of Wilkins with a bonding company as surety in an amount to be approved by the Board of Commissioners, conditioned upon the faithful performance of his duties, the premium for said bond to be paid by the Township of Wilkins.

SECTION III: Section 6 of Ordinance No. 329 is hereby amended to read as follows:

Subsection 1 of Section 6 is hereby repealed and re-enacted as follows:

1. He shall be Ordinance Enforcement Officer as provided in Ordinance No. 622 and Zoning Officer under any zoning ordinance enacted from time to time.

Subsection 4 of Section 6 is hereby repealed and re-enacted as follows:

4. He shall have the power to fix wages and salaries of all personnel under his supervision, within a range previously determined by the Board of Commissioners, or as mandated by collective bargaining agreements.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 25th day of November, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

ORDINANCE NO. 819

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

SECTION I: The annual compensation of the Township Manager shall be set at $45,000.00 effective January 1, 1992.

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

SECTION III: Any Ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 30th day of December, 1991.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Francis R. Kuszajewski
Francis R. Kuszajewski, Secretary

[redacted] [redacted] [redacted]

ORDINANCE NO. 820

AN ORDINANCE OF THE TOWNSHIP OF WILKINS FIXING THE TAX RATE FOR THE YEAR 1992

That a tax be and same is hereby levied on all real property within the Township of Wilkins subject to taxation for the fiscal year 1992 as follows:

TAX RATE FOR GENERAL PURPOSES:

The sum of eighteen (18) mills on each dollar of assessed valuation or the sum of one hundred eighty (180) 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	18 Mills	180 Cents
TOTAL	18 Mills	180 Cents

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.

Ordained and Adopted by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 13th day of January, 1992.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.
Gerald S. Patterson, Jr.
Assistant Secretary

ORDINANCE NO. 821

AN ORDINANCE OF THE TOWNSHIP OF WILKINS IN THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED, FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT, HEREINAFTER SET FORTH DURING THE YEAR 1992.

BE IT ORDAINED AND ENACTED, by the Board of Township Commissioners of the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania:

SECTION I:

That the expenditures and expenses of the fiscal year 1992 the following amounts are hereby appropriated from the fund equities, revenues, specific purposes as set forth:

BUDGET SUMMARY–ALL BUDGETED FUNDS

Schedule A

Line No.	GOVERNMENTAL FUNDS					SANITARY SEWAGE USAGE	POLICE PENSION
		SPECIAL REVENUE FUNDS					
	General Fund (1)	Highway Aid Fund (35)	Revenue Sharing Fund (85)	Other Special Revenue Funds (02-05)	Other Governmental Funds	SINKING Proprietary Funds (06-09)	Fiduciary Funds (50-69)
1							
2	120,206.	11.	305.	-0-	190,900.	252,450	725,687
3							
4							
5							
6							
7							
8							
9	120,206.	11.	305.	-0-	190,900.	252,450.	725,687
10							
11	1,821,428.						
12	45,750.			88,514.			
13	23,000.						
14	27,300.	1,500.	20.	4,000.	3,900.	4,000.	30,000
15	135,047.	80,821.			30,000.		60,000
16	47,552.						
17	1,500.				21,784.		22,861
18	138,500.				49,000.		6,528
19	2,240,077.	82,321.	20.	92,514.	104,684.	4,000.	119,389
20	2,360,283.	82,332.	325.	92,514.	295,584.	256,450.	845,076
21							
22	329,265.				44,500.		
23	1,025,815.		325.		113,445.		3,133.
24					3,000.		
25							
26	288,396.			90,700.			
27	514,641.	82,332.					
28							
29	29,691.				40,000.		
30							
31	105,500.				47,784.	242,668.	
32	2,575.						
33	64,400.						
34	2,360,283.	82,332.	325.	90,700.	248,729.	242,668.	3,133
35				1,814.	46,855.	13,782.	841,943.
36							
37							
38	-0-	-0-	-0-	1,814.	46,855.	13,782.	841,943
39	2,360,283.	82,332.	325.	92,514.	295,584.	256,450	845,076

Schedule A

BUDGET SUMMARY—ALL BUDGETED FUNDS

Account Number	Classification	Total All Budgeted Funds	Line No.
	Assets - January 1, 1992		1
	Cash (including checking, savings, certificates of deposit, money market funds, etc.	1,289,559.	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, 1992	1,289,559.	9
	Revenues and Other Financing Sources		10
300	Taxes (from Schedule C)	1,821,428.	11
320	Licenses and Permits	134,264.	12
330	Fines and Forfeits	23,000.	13
340	Interest, Rents, and Royalties	70,720.	14
350	Intergovernmental Revenue	305,868.	15
360	Charges for Services (Departmental Earnings)	47,552.	16
380	Miscellaneous Revenues	46,145.	17
390	Other Financing Sources	194,028.	18
	Total Revenues and Other Financing Sources (sum of lines 11 thru 18)	2,643,005.	19
	Total Available for Appropriation (sum of lines 9 and 19)	3,932,564.	20
	Expenditures or Expenses and Other Financing Uses		21
400	General Government	373,765.	22
410	Public Safety (Protection to Persons and Property)	1,142,718.	23
420	Health and Welfare	3,000.	24
	Public Works—		25
426	Sanitation	379,096.	26
430	Highways, Roads, and Streets	596,973.	27
440	Other		28
450	Culture—Recreation	69,691.	29
460	Conservation and Development		30
470	Debt Service	395,952.	31
480	Miscellaneous Expenditures or Expenses	2,575.	32
490	Other Financing Uses	64,400.	33
	Total Expenditures or Expenses and Other Financing Uses (sum of lines 22 thru 33)	3,028,170.	34
	Assets - December 31, 1992	904,394.	35
	Less Liabilities - December 31		36
	Less Reserves - December 31		37
	Unappropriated Fund Equity (line 35 less lines 36 and 37)	904,394.	38
	Total Appropriated and Unappropriated (sum of lines 34 and 38)	3,932,564.	39

SECTION II:

That any Ordinance conflicting with this Ordinance be and the same affects this Ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 13th day of January, 1992.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.
Gerald S. Patterson, Jr.
Assistant Secretary

ORDINANCE NO. 822

AN ORDINANCE OF THE TOWNSHIP OF WILKINS IMPOSING AND ESTABLISHING RATES OR CHARGES FOR THE USE OF THE MUNICIPALITY'S SANITARY SEWER SYSTEM, PROVIDING FOR THE BILLING FOR ALL ACCOUNTS, ESTABLISHING PENALTIES FOR THE FAILURE OF USERS TO PAY SAID RATES OR CHARGES, AND ESTABLISHING AN EFFECTIVE DATE FOR SAID RATES OR CHARGES.

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I: There is hereby imposed and established rates or charges for the use of, and services provided by, the various Sanitary Sewer Systems in the Township of Wilkins, said rates or charges being based upon the quantity of water used. The following rates or charges shall be assessed to each user of the Sanitary Sewer System on a quarterly basis:

A. Basic Service: Seventy-five cents (75¢) per one-thousand (1,000) gallons of water used, with a minimum quarterly fee of Five Dollars ($5.00) for each user.

SECTION II: Charges for the Sanitary Sewer System service shall be billed quarterly, with all bills rendered as of the first day of the month following the quarter for which service was provided. Payment shall be due and payable within thirty (30) days of the date of the billing statement.

SECTION III: In the event the charges for said Sanitary Sewage System service remain unpaid for a period of thirty (30) days from the date of said statement, such charges are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of said statement shall be added.

SECTION IV: For each delinquent sanitary sewage account remaining unpaid thirty (30) days after the date of said statement, an interest charge of ten percent (10%) per annum of the gross delinquent charge shall be added.

SECTION V: The Township of Wilkins shall pursue the collection of delinquent sanitary sewer accounts by all means available pursuant to applicable law.

SECTION VI: The rates and charges herein established shall be imposed upon and collected from the owners, tenant or occupant of each lot or parcel of land in the Township of Wilkins serviced by a sanitary sewer owned, maintained or operated by the Township of Wilkins from which sewerage, waste or water enter the Township's sewer system. In the event a any user of the premises is not the owner of the premises from which sewerage, waste or water enter the Township's sewer system, the Township of Wilkins hereby imposes said sewage service charges upon and demands payment thereof on the record owner of such premises, and in the event payment is not timely made, the Township shall and will file a lien therefor against the premises served for the amount due plus the penalty and interest against the record owner of the premises.

SECTION VII: This Ordinance shall be effective July 1, 1992.

SECTION VIII: ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 27th day of January, 1992.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.
Assistant Secretary

ORDINANCE NO. 823

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
REPEALING EXISTING ORDINANCE #773 (BOCA
1990 11TH EDITION)

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 823 in the following form:

ORDINANCE NO. 823

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, MAKING OF INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; KNOWN AS THE BUILDING CODE; AND REPEALING EXISTING ORDINANCE NUMBER 773 OF THE TOWNSHIP OF WILKINS.

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

Section 1. Adoption of Building Code

That a certain document, copies of which are on file in the Office of the Secretary of the Township of Wilkins, being marked and designated as "***The BOCA National Building Code/1990 Eleventh Edition***" as published by The Building Officials and Code Administrators International, Inc. be and is hereby adopted as the building code of the Township of Wilkins, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, 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 3 of this Ordinance.

Section 2. Inconsistent Ordinance Repealed

That Ordinance Number 773 of the Township of Wilkins and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Additions,Insertions and Changes

That the following sections are hereby revised as follows:

Section 100.1 (page 1, second line). Insert: The Township of Wilkins

Section 103.4 (page 3, first line). Insert: January 1, 1988

Section 112 is amended to add Section 112.10 as follows:

(112.10) No Building Permit shall be issued until such time as the sewage disposal plan for the structure or structures involved has been reviewed and approved in accordance with the provisions of the rules and regulations of the Pennsylvania Department of Environmental Resources.

Section 114.3.1 (page 10, third line) is amended to read:

(114.3.1) Fee Schedule: A fee for each plan examination, building permit and inspections shall be paid in the amount as set by Resolution of the Board of Commissioners now in effect or as revised from time to time.

Section 117.4 (page 12):

Fifth line: Insert for offense: Summary Offense
Sixth line: Insert for amount: One Thousand ($1,000.00) Dollars (See Act No. 19 of 1988)
Seventh line: Insert for number of days: Thirty (30) days

Section 118.2 (page 12):

Fourth line: Insert for amount: Fifty ($50.00) Dollars
Fourth line: Insert for amount: One Thousand ($1,000.00) Dollars

Section 123 is deleted in its entirety. Any person aggrieved by an order of a Township Enforcement Officer may appeal such order to the Board of Appeals in the manner set forth in Section 124.

Sections 124.2 through 124.7. These sections are deleted in their entirety and there is substituted therefore the following:

BOARD OF APPEALS

A. Membership 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 (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 Authority shall designate a substitute member.

B. The Board shall affirm, modify or reverse an order or decision of a Code Enforcement Officer by majority vote of a quorum of the Board. A quorum shall consist of a meeting of two or more Board Members.

C. Board procedures, meetings and appeals from its decision shall be governed by the Local Agency Law.

ARTICLE 7 is amended as follows:

The title of Article 7 is amended to read:

Interior and Exterior Environmental Requirements

Section 7 is amended to add Section 715 as follows:

Section 715.0 Exterior Illumination

The quantity of illumination falling outside of the user's property and the luminance of lighting equipment visible from neighboring property shall be controlled by the user in accordance with the following:

Section 715.1. Definitions

A. Candela - One candela is the unit of luminous intensity in a given direction. It is commonly called one candlepower.

B. Diffusing Luminaire - A diffusing luminaire is one that scatters light substantially in all directions as contrasted with a directional luminaire which confines its light principally in an angle of less than 180 degrees.

C. Floodlight - A floodlight is a luminaire designed to project its light in a well defined area. It is directional in character.

D. Floodlight Beam - A floodlight beam is the angular spread of light between two orthogonal planes, each of which equal ten percent (10%) of the maximum candlepower within the beam.

E. Footcandle - One footcandle is the amount of illumination provided by one lumen uniformly distributed on one square foot of surface.

F. Footlambert - One footlambert is the luminance of a surface uniformly emitting, transmitting or reflecting one lumen per square foot of surface.

G. Illumination - The density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in footcandles.

H. Light Source - A light source is a device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

I. Lumen - A lumen is defined as the quantity of luminous flux intercepted by a surface of one square foot, all points of which are one foot from a uniform source of one candela. A one candela source provides 12.57 lumens.

J. Luminaire - A luminaire is a device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

K. Luminance - The luminous intensity per unit projected area of a given surface viewed from a given direction, expressed in footlamberts.

Section 715.2. Illumination

A. Metering Equipment

Lighting levels shall be measured in footcandles with a direct reading portable light meter with a color and cosine corrected sensor with multiple scales. The meter shall read within an accuracy of + or - 5%. It shall have been tested and calibrated by an independent commercial photometric laboratory or the manufacturer within one year of date of use as attested to by certificate issued by such laboratory.

B. Method of Measurement - Horizontal

The meter sensor shall be mounted not more than 6" above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made when the meteorological optical range is 6 miles or further such that measurements will not be adversely affected by atmospheric scatter. Measurements shall be made after dark with the existing questioned light sources on, then with the same sources off. The difference between the two readings shall be compared to the footcandle ratings listed in Section 715.2.D. This procedure eliminates the affects of moonlight and other ambient light.

C. Method of Measurement - Vertical

The meter sensor shall be mounted at 5' above ground level in a vertical position, perpendicular to the property line and facing the outdoor lighting in question. Readings shall be taken only after the cell has been exposed to provide a constant reading. Measurements shall be made after dark with the existing questioned light sources on, then with the same sources off. The difference between the two readings shall be compared to the footcandle ratings listed in Section 715.2.D. This procedure eliminates the effects of moonlight and other ambient light.

D. Limitations

1. Limitations on Neighboring Property.

The limit of illumination on neighboring property from one establishment shall be by zoning of the neighboring property. Maximum computed or measured footcandles at the neighboring property line shall not exceed:

		Footcandles	
		Horizontal	Vertical
1.	Single family and two family residential districts	0.2	0.5
2.	Multiple family residential districts	0.5	0.5
3.	Non-residential districts, streets	3.0	3.0
4.	Industrial districts	5.0	5.0

2. Limitations on Established Property.

The maximum outdoor initial computed or measured illuminance level on the establishment property shall not exceed 25 footcandles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed 40 footcandles.

E. Computation of Illumination

Illumination at a point may be compared in lieu of measurement. Computational methods shall consist of a point by point method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the Township. Computations shall be based on new, properly seasoned lamps, new and clean fixtures, and at rated voltage and wattage, with ballasts, lenses, shields, diffusers, and other appurtenances in place; and with proper regard taken for mounting height, relative elevation, natural and manmade objects.

Section 715.3. Illuminance (Brightness)

Because of the lack of a practical means of measuring fixture luminance in the field, and because of the factors involved in glare, a computational method shall be used from which to determine compliance with this ordinance. The point from which luminance calculations shall be made is five feet above ground on other property line.

A. Vertical Luminance Calculations Using Luminaire Photometric Data

For the purpose of this Ordinance, the illuminance shall be computed by the formula

$$L = \frac{I}{(d^2\ th^2)} \text{ SIN O}$$

where I is the fixture candlepower in candelas in the direction of the point from which the calculations are to be made, d is the shortest distance in feet measure horizontally from the property line to a point directly under the luminaire, and h is the height of the luminaire above the eye level as explained in Figure A below. This calculation assumes the photoreceptor is vertical, 5' above grade (at property line) and facing toward the questioned luminaire.

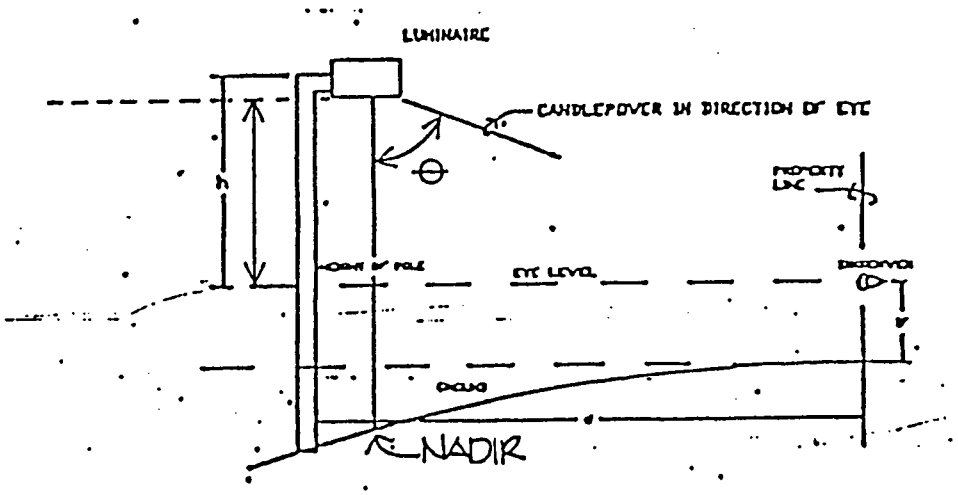


FIGURE A - FACTORS FOR ILLUMINANCE DETERMINATION

$$\text{SIN}\,\theta = \frac{d}{\sqrt{d^2 + h^2}}$$

B. Illuminance Limitations

The luminance on neighboring property from one establishment shall be by zoning of the neighboring property. The luminance as calculated in Section 715.3 above shall not exceed the value by zoning as set forth in Section 715.2.D.

Section 715.4. Enforcement

A. Illumination in Excess of Limitation

If the illumination, as measured or calculated, exceeds the limitations shown in Section 715.2.D, the illumination shall be reduced until the illumination is equal to or less than that prescribed in the aforementioned Section 715.2.D. This may be accomplished by reduction in the quantity of luminaires, reduction of the wattage of the lamps, shielding the luminaires, or by reaiming of the luminaires.

B. Shielding

Luminaires which are directed toward a viewer shall be aimed in such a manner that the viewer's eye, 5' above ground at or beyond the property line, shall not be exposed to fixture luminance within the luminaire beam as defined in Section 715.1.D. Such luminaires, if they cannot be reaimed, shall be shielded such that the fixture is effectively concealed from view from the neighboring property.

Shielding may be accomplished by louvers, buffers, visors, or shields placed on the luminaires; or by plantings, fences, berms, elevation, or any other method such that the limitations of illuminance and luminance heretofore prescribed are achieved.

Section 715.5. Exceptions

Lighting installed by a governmental agency for public benefit on public rights-of-way and parks shall be exempt from the provisions of this Ordinance. Temporary special effects of holiday lighting shall be exempt from the provisions of this Ordinance. Other temporary lighting effects may be used if approved by the Township Manager.

Section 715.6. Existing Lighting

When outdoor lighting does not conform to the provisions of this Ordinance and lawfully exists on the date of enactment, it shall be modified to conform to this Ordinance.

Section 715.7

All commercial, industrial and multi-family uses in excess of three units shall file with the Township and obtain approval of a lighting plan complying with the regulations of this Ordinance.

ARTICLE 28 is deleted in its entirety.

Section 2906.1 (page 455)

Third line: Insert for amount: Five Hundred Thousand Dollars ($500,000.00)
Fifth line: Insert for amounts: One Million Dollars ($1,000,000.00) &
Five Hundred Thousand Dollars ($500,000.00)

Section 2907 is amended by adding thereto Sections 2907.6, 2907.7, and 2907.8 as follows:

Section 2907.6. 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.

Section 2907.7. 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.

Section 2907.8. 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 or Ordinance No. 542 shall apply.

Section 2908.1 is deleted and revised to state:

The structural frame of ground signs shall not be erected to a height of more than thirty-five feet (10668 mm) above the ground.

Section 2908.2 is deleted in its entirety.

Section 4. Saving Clause

That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired 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.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 9th day of MARCH ,1992.

ATTEST:

Ass't. Secretary

TOWNSHIP OF WILKINS

By

President, Board of Commissioners

ORDINANCE NO. 824

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
REPEALING EXISTING ORDINANCE NO. 742
(FIRE BOCA 1990 - 8TH EDITION)

THE TOWNSHIP OF WILKINS Ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 824 in the following form:

ORDINANCE NO. 824

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 I. 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 NATIONAL FIRE PREVENTION CODE, Eighth Edition, 1990, as published by the Building Officials and Code Administrators International, Inc. (hereinafter "Fire Prevention Code"), particularly the 1990 edition thereof and the whole thereof, save and except such portions of said Fire Prevention Code as are inconsistent or in conflict with the provisions of this Ordinance; copies of the said Fire Prevention 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 II: The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention of the Township of Wilkins established by Ordinance No. 742.

SECTION III: The Bureau of Fire Prevention shall be operated under the supervision of the Fire Marshall and three Deputy Fire Marshalls, which offices were established by Ordinance No 742. The Fire Marshall shall be the Chief of the Bureau of Fire Prevention.

A. The Fire Marshall and Deputy Fire Marshall 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 IV: The duties and powers of the Fire Marshall and the Deputy Fire Marshall shall be as described in the Fire Prevention Code herein adopted, and particularly Section F-105 through F-111.

A. The Fire Marshall and Deputy Fire Marshall 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 V: 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 Fire Prevention Code, with such statistics as the Fire Marshall shall wish to enclose therein and such recommendations for amendments to the Fire Prevention Code which in the Fire Marshall's judgment, shall be desirable.

SECTION VI: 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 VII: 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 Fire Prevention Code do not apply or that the true intent and meaning of the Fire Prevention 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 thirty days from the date of the decision appealed.

SECTION VIII:

A. The limits referred to in Section F-2601.2 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. Section F-2600 of Article 26 of The Fire Prevention Code is supplemented by adding thereto Section 2600.4 as follows:

"Section 2600.4 Insurance required for blasting: Before a permit to do blasting is issued as required under Section F-2600.2, the applicant for such permit shall file with the Township of Wilkins a liability insurance policy providing coverage for general liability for bodily injury and property damage in such form, amount and coverage as determined by the legal department of the jurisdiction to be adequate in each case to include coverage against any claims arising from permitted blasting."

C. Section F-401.1 of Article 4 of The Fire Prevention Code is hereby amended to delete the words, "six stories" and substitute therefor the words, "five stories".

D. Section F-404.3 of Article 4 of the Fire Prevention Code is hereby amended to delete the words, "six stories" and substitute therefor the words, "five stories".

SECTION IX: 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 Fire Prevention Code, provided that the spirit of the Fire Prevention 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 X: 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 Fire Prevention Code.

SECTION XI:

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, "Code Official" are used in the Fire Prevention Code, they shall be held to mean the Fire Marshall and Deputy Fire Marshals.

SECTION XII: Any person, firm or corporation who shall violate any of the provisions of the Fire Prevention 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 $500.00 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 thirty 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.

SECTION XIV: The Township of Wilkins hereby declares that should any section, paragraph, sentence, or word of this Ordinance or of the Fire Prevention 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 MARCH, 1992

TOWNSHIP OF WILKINS

By Victor A. Dinges
President, Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.
Assistant Secretary

ORDINANCE NO. 825

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 542 (WILKINS TOWNSHIP ZONING ORDINANCE) AND ALL PREVIOUS AMENDMENTS THERETO, TO ESTABLISH ADULT BOOK STORES, ADULT MINI MOTION AND MOTION PICTURE THEATERS, ADULT ENTERTAINMENT AND ADULT MOTELS AS SPECIAL EXCEPTIONS IN AREAS ZONED "M" - MANUFACTURING DISTRICT, AND TO ESTABLISH CONDITIONS FOR THE SPECIAL EXCEPTIONS.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 824 in the following form:

ORDINANCE NO. 825

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 542 (WILKINS TOWNSHIP ZONING ORDINANCE) AND ALL PREVIOUS AMENDMENTS THERETO, TO ESTABLISH ADULT BOOK STORES, ADULT MINI MOTION AND MOTION PICTURE THEATERS, ADULT ENTERTAINMENT AND ADULT MOTELS AS SPECIAL EXCEPTIONS IN AREAS ZONED "M" - MANUFACTURING DISTRICT, AND TO ESTABLISH CONDITIONS FOR THE SPECIAL EXCEPTIONS.

WHEREAS, Wilkins Township is concerned that the unregulated establishment of certain businesses can create a deleterious effect in the Township; and

WHEREAS, Wilkins Township has determined that it would be in the best interests of the Township to limit the development of certain adult businesses to the M zoning district; and

WHEREAS, Wilkins Township is concerned that the establishment of adult businesses adjacent to commercial and other types of uses has a deleterious effect on commercial uses, and other uses causing a downgrading of property values and degradation of economic, practical, social and cultural activities development and growth in the zone affected; and

WHEREAS, the prohibition against the establishment of two regulated uses within 1,000 feet of each other serves to avoid clustering of certain businesses which, when located in close proximity to each other, tend to create a "skid row" atmosphere; and

WHEREAS, concern for a pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons who comprise the business and manufacturing segments of that neighborhood.

IT IS THEREFORE ORDAINED AND ENACTED that Section 302.7 of Ordinance 542 is hereby amended by adding a new subsection (i) as follows:

(i). In the M - Manufacturing District the following special uses are permitted as special exceptions:

Adult bookstores, adult mini motion picture theater, adult motion picture theater, adult entertainment and adult motel and other uses similar in nature.

Section II - Specific Conditions For Special Exceptions For Adult Book Stores, Adult Mini Motion Picture Theaters, Adult Motion Picture Theaters, Adult Entertainment, Adult Motels and Other Uses Similar in Nature in the M Districts:

1. Adult book stores, mini and motion picture theaters, entertainment and motels, regulated.

(a). Regulated uses. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in the following subsections of this section. These regulations are for the purpose of preventing a concentration of these uses in any one area and preventing the establishment of these uses in close proximity to other permitted uses in the M District.

2. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

(a). Adult book store: An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, or an establishment with a segment or section devoted to the sale or display of such material.

(b). Adult mini motion picture theater: An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguishing or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(c). Adult motion picture theater: An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(d). Adult entertainment: Entertainment consisting of the use of live dancing, posing, acting, or other theatrical presentation involving personnel whose actions are distinguished or characterized by emphasis on use of the human body in a manner intended to or resulting in arousal of sexual excitation or sexual titillation or a prurient interest or intended to or resulting in producing lustful emotions.

(e). Adult motel: A hotel presenting adult motion pictures by means of closed circuit television or any other method of transmission, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

f ~~(e)~~. Specified sexual activities is defined as:

(i). Human genitals in a state of sexual stimulation or arousal.

(ii). Acts of human masturbation, sexual intercourse or sodomy.

(iii). Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

g ~~(f)~~. Specified anatomical areas is defined as:

(i). human genitals, pubic regions.

(ii). buttock.

(iii). female breast below a point immediately above the top of the areola.

(iv). Human male genitals in a discernably turgid state, even if completely or opaquely covered.

3. Limitations. Regulated uses include, but are not limited to, the following:

(a). Adult book store.

(b). Adult motion picture theater.

(c). Adult mini motion picture theater.

(d). Adult entertainment.

(e). Adult motel.

4. Regulated uses shall be permitted subject to following restrictions:

(a). No such regulated uses shall be allowed within 1,000 feet of another existing adult use.

(b). No such regulated use shall be located within 500 feet of the

property line of any existing residentially zoned property, an existing church or other place of worship, or any existing school or property used as a private or public park or playground.

(c). The distance provided for in this Ordinance shall be calculated by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of a proposed regulated use to the main entrance of any existing regulated use or the property line of any existing residentially zoned property, any existing church or other place of worship, or any existing school, private or public park or play ground.

SECTION III. That nothing contained herein shall apply to any regulated use in existence on the date prior to the first advertisement of this ordinance.

SECTION IV. That if any word, clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of this Ordinance shall not be effected thereby, but shall remain in full force and effect.

SECTION V. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION VI. That this Ordinance shall be in force in accordance with applicable law.

ORDAINED AND ENACTED the 18th day of AUGUST, 1992.

TOWNSHIP OF WILKINS:

By: Victor A. Dinges
PRESIDENT OF THE
BOARD OF COMMISSIONERS

ATTEST:

Gerald Patterson
Assistant Secretary

MRM0592-PA

MUNICIPAL RISK MANAGEMENT
WORKMEN'S COMPENSATION POOLED TRUST

PARTICIPANT APPLICATION

The Undersigned Applicant desiring to participate in the Municipal Risk Management Workmen's Compensation Pooled Trust hereby submits the application and understands and agrees as follows:

1. The Applicant becomes a Participant in the Trust upon:

   A) Adoption of the Ordinance or Resolution provided with this application.

   B) Execution of the Municipal Risk Management Workmen's Compensation Pooled Trust Agreement. The Applicant acknowledges receipt of a true and correct copy of said Trust Agreement and the Bylaws of the Trust which are incorporated herein by reference thereto and made a part hereof.

   C) Payment of the first installment of the annual premium as set forth in the MRM Trust invoice.

2. Coverage of the first year of the Trust participation is scheduled to become effective on October 1, 1992. In the event coverage is not obtained for October 1, 1992, the Trust Administration will give timely notice to all participants of any extended effective date.

3. The Applicant also submits an executed copy of the Municipal Self-Insurance Application Form to be forwarded to the Bureau of Workers' Compensation and a municipal check in the appropriate amount for payment to the Bureau for our self-insurance application.

IN WITNESS WHEREOF the Applicant has Endorsed this document to be executed by its duly authorized officers this 14th day of September, 1992.

TOWNSHIP OF WILKINS

Applicant (Municipality or Municipality Authority

BY Victor A. Dinzeo

Title: Victor A. Dinzeo
President, Board of Commissioners

ATTEST:

Assistant Secretary

Applicant's Official Mailing Address

110 Peffer Road

Turtle Creek PA 15145

MRM0592-TA

MUNICIPAL RISK MANAGEMENT WORKMEN'S COMPENSATION POOLED TRUST

Trust Agreement, dated as of May 1, 1992,
among the Participants, signatory hereto
AND
The Trustees, signatory hereto.

WHEREAS, each of the individual Municipal Risk Management Workmen's Compensation Pooled Trust Participants subscribing to these Articles of Agreement, desires, for the purpose of indemnifying itself against liability for certain coverages mandated under the Pennsylvania Workmens' Compensation Act and the Pennsylvania Occupational Disease Act, to enter into an agreement with each other Participant and with the Trustees of this Trust so as to pool their liabilities through participation in a Trust Fund and when appropriate to purchase commercial insurance.

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained herein, and intending to be legally bound hereby, the Participants do hereby give and assign in trust the initial sums set forth in the Premium Schedule (which Schedule is incorporated herein by reference thereto and made a part hereof) and all income and profits therefrom, and such other sums, income and profits as hereinafter may be made part of the Trust, to the Trustees, and the Trustees hereby accept the trusts herein contained and declare that they will administer, manage, collect, receive, dispose of, and distribute such trust property for the benefit of the Participants as hereinafter provided, all parties agreeing to abide by the terms and covenants contained in this Agreement, as follows:

ARTICLE I

DEFINITIONS

1.01 **Definitions.** The terms defined in this Section 1.01 (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Agreement and of any amendment or supplement hereto shall have the respective meanings specified in this Section 1.01.

Actuary. The actuarial firm or individual actuary selected by the Trustees, whose duties shall include, but not be limited to, the evaluation of the underwriting or loss data submitted by eligible Participants and the rendering of opinions and certifications as required by the Board of Trustees in accordance with the Trust Agreement and By-laws.

Administrator. An individual, partnership or corporation engaged by the Trustees to carry out the policies established by the Trustees and to provide day-to-day management of the Trust.

Compensation. Includes compensation paid under the Act of June 2, 1915 (P.L. 736, No. 338), known as the Pennsylvania Workmens' Compensation Act or the Act of June 21, 1939 (P.L. 566, No. 284), known as the Pennsylvania Occupational Disease Act.

Board of Trustees. The governing body of the Municipal Risk Management Workmen's Compensation Pooled Trust whose members or Trustees are selected in accordance with the Trust Agreement and By-laws.

By-laws. The By-laws governing the operation of the Trust as adopted and amended by the Board of Trustees in accordance with this Agreement.

Fiscal Agent. A financial institution selected by the Board of Trustees to handle and invest the monies held in the various funds administered by the Trust, including the Reserve Fund, General Operating Fund, Dividend Fund or other funds created by the Trustees in accordance with the Trust Agreement and By-laws.

Participant. A political subdivision participating in the Trust.

Political Subdivision. Any County, City, Borough, Incorporated Town, Township, School District, Vocational School District and County Institution District, Municipal Authority or other entity created by a political subdivision pursuant to law.

Service Agents. One or more service companies or consultants employed by or designated by the Trustees to be responsible for underwriting matters, claims administration, loss control, accounting and such other duties as determined by the Board of Trustees and specified by contract.

Trustee. Each person serving as a member of the Board of Trustees referred to from time to time, collectively as the "Trustees" or "Board of Trustees" or "Board".

1.02 **Interpretation.** The words "hereof", "herein", "hereunder", and other words of similar import refer to this Agreement as a whole. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. Headings or titles to Articles, Sections, and other subdivisions of this Agreement are for convenience only and shall be given no effect, meaning, or construction whatsoever and shall not define or limit any provision of this Agreement.

ARTICLE II

PARTICIPANTS

2.01 **Eligibility Requirements.**

(a) Participation in the Trust shall be limited to Pennsylvania Political Subdivisions.

(b) Each Participant shall meet the standards established by the Board of Trustees.

2.02 **Approval of Participants.**

(a) Initial Participants who are signatories to this Agreement as of May 1, 1992, must submit an application to the Trust. Such application must have been approved by the Administrator. Upon approval of an applicant, the Administrator must certify in writing that the successful applicant has satisfied all the admission criteria. The effective date for admission of all initial Participants shall be October 1, 1992. The coverage period for all initial Participants under the Trust Agreement shall commence on October 1, 1992, provided payment of the initial contribution and annual premium has been made.

(b) The coverage period effective date may be extended by the Administrator who shall give timely notice to each Participant of any change in date.

(c) All subsequent applicants must be approved by the Administrator. The Administrator must certify in writing that the Applicant has met all the criteria for admission to the Trust. The Trustees shall determine the required contribution to the Trust for subsequent applicants.

(d) All applicants, except current members of the Municipal Risk Management, Inc. Safety Group who are initial Participants must pay an application fee which shall be based upon the actual cost of processing the application, completing the loss control survey for each applicant, and pay a fee in lieu of payment of start-up costs and such other costs as determined by the Trustees.

(e) Upon execution of this Agreement by a Participant and the Trustees it shall become a Participant in the Trust and shall be bound by all terms and conditions hereof, including the payment of Premiums when due.

2.03 **Premiums and Assessments.**

(a) Premiums shall be established by the Trustees in consultation with the Trust Actuary. Annual premiums shall be established prior to commencement of the Trust Year for which that premium applies.

(b) Premiums and assessments shall be sufficient to guarantee payment of compensation levels equal to those required by the Workmen's Compensation and Occupational Disease Acts; and in addition, to create reserves as described in Section 6.02 hereof.

(c) Premiums, contributions and assessments shall be due and payable as determined by the Trustees, in accordance with this Agreement and the Trust By-Laws.

2.04 **Obligations, Duties and Liabilities of Participants.**

(a) Each participant agrees to jointly and severally assume and discharge the liabilities arising under the Workmens' Compensation Act and Occupational Disease Act of each and every Participant of this Trust Agreement.

(b) Each Participant agrees to fulfill all obligations and duties set forth in this Agreement. The withdrawal or expulsion of any Participant pursuant to this Article II shall not affect this Agreement nor the Trusts created herein, except where otherwise expressly provided.

(c) Each Participant is liable under this Agreement for the payment of premiums, contributions and assessments when due.

(d) Each Participant agrees to institute any and all reasonable safety regulations and loss prevention procedures that may be required by the Administrator for the purpose of minimizing or eliminating hazards or risks that could contribute to losses.

(e) Each Participant agrees that it will cooperate fully with the Trust's service agent(s), attorneys, claims adjusters and any other agent or employee of the Trust in relation to the purpose and powers of the Trust, including, but not limited to, the investigation, defense and settlement of claims. No Participant shall encourage, aid or abet any person to file a claim against the Participant, except as specifically required by the Workmens' Compensation Act or case law.

(f) The Participants will furnish to the Trustees such underwriting information as may be required by the Trust prior to or during any Trust Year, and any other information, which may be requested by the Administrator.

(g) Participants agree that the By-laws of the Fund as amended are and shall be binding on each Participant. No By-law shall be in conflict with or inconsistent with any provision of this Agreement.

2.05 **Expulsion, Cancellation and Withdrawal of Participants.**

(a) **Expulsion and Cancellation.** The Trustees shall have the authority by an affirmative vote of a majority of all Trustees to expel, or cancel any of the liability coverages afforded any Participant from the Trust for cause, as more particularly set forth in the By-laws.

(b) Upon expulsion, a Participant shall forfeit any and all rights to any refunds or rebates to which it may otherwise be entitled.

(c) Upon expulsion, a Participant shall be required to pay a Termination Premium and shall be required to pay additional assessments as are legally due. A Participant may be required to make additional payments, including assessments, after the effective date of its expulsion caused by deficits which occurred because of claims which were incurred while that Participant was afforded coverage under the Trust.

(d) **Withdrawal by a Participant.** Each Participant hereby agrees that it shall not withdraw from the Trust for a period of four (4) years from the date upon which it was first admitted as a Participant. In addition, it is also agreed that each Participant may withdraw from the Trust at the end of the four-year commitment after giving ninety (90) days prior written notice to the Board of Trustees only if the following conditions are satisfied:

(1) An opinion is rendered by the Trust Actuary that such withdrawal will not result in the number of Participants falling below the minimum required to assure the fiscal and actuarial soundness of the Trust itself;

(2) That the withdrawing Participant is not then in default of its obligation to pay premiums, contributions or assessments;

(3) The withdrawing Participant shall pay the full amount of a Termination Premium, as determined by the Board of Trustees in accordance with this Agreement and the Trust By-laws.

After the end of the four-year commitment, each Participant may thereafter withdraw on the annual anniversary date upon giving ninety (90) days prior written notice to the Board of Trustees, subject to all other conditions of 205(d) and (e) herein.

(e) After withdrawal by a Participant, that Participant agrees to make any additional payments, including assessments as required by the Board of Trustees in accordance with this Agreement and the By-laws based upon any deficits which were incurred while that Participant was provided coverage under the Trust.

(f) **Liability of Trust after Withdrawal, Cancellation or Expulsion of a Participant.**

(i) For those liabilities covered by the Trust Agreement, the Trust shall continue to service, defend and otherwise be responsible for any claim which arose prior to cancellation of coverage, expulsion or withdrawal of a Participant, including incurred but not reported claims.

(ii) The Trust will not cover, defend, or otherwise be responsible for, a claim which arises after the effective date of the Participant's withdrawal, expulsion or cancellation of coverage.

(iii) No rebates or refunds shall be paid to a Participant who has been expelled from the Trust. Any Participant who has voluntarily withdrawn may receive rebates or refunds as determined by the Board of Trustees, and due under the terms of the Trust Agreement and By-laws.

ARTICLE III

TRUSTEES

3.01 **Qualifications of a Trustee.**

(a) A Trustee shall be either (1) an elected or appointed official of a Participant, or (2) an employee of a Participant with expertise in finance or risk management.

3.02 **Composition of Board of Trustees.**

(a) The Trust shall be governed by a Board of nine Trustees. No Participant shall be represented by more than one Trustee on the Board of Trustees.

(b) The initial Board of Trustees shall consist of the Board of Directors of Municipal Risk Management, Inc. All members of the initial Board of Trustees shall be appointed to serve a term commencing upon the First Meeting of the Board and expiring on the election of successor Trustees by the Participants at the First Meeting of Participants as provided in the By-laws.

3.03 **Election of Trustees.** The initial Trustees shall provide in the By-laws for the form and method of election of subsequent Trustees, by the Participants.

3.04 **Removal of Trustees.** A Trustee may be removed from office by the Board of Trustees in the manner set forth in the By-laws.

3.05 **Substitute Trustees.** In the event a Trustee resigns, is removed or is otherwise unable to serve, the Board of Trustees shall appoint a substitute Trustee to complete the original Trustee's term of office.

Any Trustee, upon leaving office, shall forthwith turn over and deliver to the principal office of the Trust, any and all records, books, documents or other property in his possession or under his control which belong to the Trust.

ARTICLE IV

ACCEPTANCE OF TRUST

4.01 **Acceptance**. Trustees hereby accept the Trusts imposed upon them by this Agreement and agree to perform said Trusts in accordance with the terms and conditions of this Agreement. Trustees shall hold legal title to all property of the Trust and shall have absolute and exclusive power and control over the management and conduct of the business of the Trust.

4.02 Future Trustees. Whenever any changes shall occur in the Board of Trustees, the legal title to the property hereby created by this Trust shall pass to the duly appointed Trustees. Each future Trustee appointed in accordance with this Agreement shall accept the Office of Trustee and the terms and conditions of this Agreement in writing.

4.03 By-laws. The Trustees shall adopt By-laws for the management and control of the Trust, so long as such By-laws are not inconsistent or in conflict with the terms and provisions of this Agreement. Said By-laws may be amended by the Trustees as they shall provide in the By-laws.

ARTICLE V

PURPOSE OF THE TRUST; POWERS OF TRUSTEES

5.01 Purposes of Trust. The purposes and objectives of the Trust are as follows:

(a) To provide adequate and affordable coverage for each Participant at the lowest possible cost by the pooling or sharing of certain liability risks;

(b) To reduce the amount and frequency of losses incurred by each Participant by utilizing loss control procedures.

(c) To minimize costs incurred by Participants in the handling and litigation of claims;

(d) To protect each Participant from the volatility and high premiums of the commercial insurance markets; and

(e) To take whatever other action which may be necessary to preserve and protect the fiscal and actuarial integrity of the Trust, as required in the Trust Agreement and By-Laws.

The Group Pool being formed hereunder is intended to be a trust under the laws of the Commonwealth of Pennsylvania.

It is the express intent of the Participants entering into this Trust Agreement that they do not intend to waive, and are not waiving, any of the immunities which they or their commissioners, supervisors, council persons, officers, directors or employees have now, and may have in the future, under the Pennsylvania Political Subdivision Tort Claims Act, any other applicable statutes or under the common law.

5.02 **Powers of Trustees.** The Trustees shall have the power to control and manage the Trust and to perform such acts, enter into such contracts, engage in such proceedings, and generally to exercise any and all rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary or advisable to administer the Trust or to carry out the purposes of this Agreement. Any determination made by the Trustees in the exercise of these powers shall be binding upon all Participants. In addition to the powers set forth elsewhere in this Agreement, the powers and duties of the Trustees in connection with their managing and controlling the Trust shall include, but shall not be limited to, the following:

(a) To receive, hold, manage, invest, reinvest, and control all monies at any time forming part of the Trust.

(b) To purchase contracts of insurance or reinsurance through such broker or brokers as the Trustees may choose and to pay premiums on such policies.

(c) To hold cash, uninvested, for such length of time as the Trustees may determine without liability for interest thereon.

(d) To employ suitable agents, advisors and other persons as the Trustees may deem necessary and advisable for the efficient operation and administration of the Trust, to delegate duties and powers hereunder to such agents, advisors and employees and to charge the expense thereof to the Trust. Trustees are entitled to rely upon and may act upon the opinion or advice of any attorney or Service Agent approved by the Trustees in the exercise of reasonable care. Trustees shall not be responsible for any loss or damage resulting from any action or non-action made in good faith reliance upon such opinion or advice.

(e) To construe and interpret this Trust Agreement and any related documents, including the Participation Application and By-laws.

(f) To purchase as a general administrative expense of the Trust so-called directors' and officers liability insurance and any other types of insurance for the benefit of the Trust, the Trustees, Trust employees, or agents, including provision of workmen's compensation benefits.

(g) To pay or contest any claim or to settle a claim by or against the Trust or any of its Participants by negotiation, compromise, arbitration, or otherwise.

(h) To determine the proper contributions, assessments and annual premiums in consultation with the Trust Actuary and to provide for the proper invoicing, collection and imposition of appropriate late payment charges, termination premiums, enforcement procedures and related matters necessary to protect the fiscal and actuarial integrity of the Trust.

(i) To purchase an employee fidelity bond covering the Trustees, the Administrator and such others as the Trustees may determine.

(j) To appoint for a fee or otherwise, a Trust Administrator who shall act at the direction of the Trustees to implement the decisions of the Trustees and to have direct responsibility for the operation and supervision of the Trust.

(k) To employ counsel to advise and represent the Trustees on legal matters relating to the operation and administration of the Trust, and to employ such other legal counsel as may be necessary to represent Participants in the defense of claims or litigation.

(l) To do all acts, whether or not expressly authorized herein, which the Trustees may deem necessary in the best interests of the Trust.

5.03 Payment of Claims and Coverage Disputes. The Board shall be responsible for adopting guidelines for the handling and payment of claims. The decision of whether to settle or pay a claim shall be made in the first instance by the Service Agent responsible for claims handling, acting under the general supervision of the Trust Administrator. The decision to settle or defend a claim may then be reviewed by the Board of Trustees, or designated subcommittee whose decision may be reviewed by the Board of Trustees at the request of the Participant. A decision by the entire Board to settle a particular claim made against a Participant shall be final. A refusal by a Participant to consent to such a settlement or execute the documentation required to effect a settlement, shall relieve the Trust from any further obligation to defend that Participant under the provisions of the Trust.

ARTICLE VI

OPERATION OF THE TRUST FUNDS; REVENUES

6.01 Payment of Premiums, Contributions and Assessments. Each Participant hereby agrees to make payments into various funds established under the Trust as set forth below:

(a) Initial Payment - The initial payment made by all Participants to any fund upon their admission to the Trust.

(b) Annual Premiums - Annual premiums must by paid by each Participant as a condition for obtaining coverage for a single coverage period. These premiums shall be established, and may be adjusted upward or downward on an annual basis, by the Board of Trustees in accordance with this Agreement and the Trust By-laws. Premiums shall be determined by the Board of Trustees in accordance with the guidelines adopted by the Board in consultation with the Trust Actuary based upon the actual claims or loss histories of each Participant. Premiums shall include:

(1) An amount paid by each Participant to the General Operating Fund each year for the coverage provided under the Trust.

(2) Any additional amounts to be paid to the Reserve Fund as may be required by the Board of Trustees based upon a finding by the Board that such payments are needed to fund or replenish monies transferred from the Reserve Fund to the General Operating Fund.

(c) Assessments - Each Participant shall be required to pay any additional payments to the Trust which a Participant may be required to make to the General Operating Fund or Reserve Fund upon a finding by the Board and the Trust Actuary that the General Operating Fund or Reserve Fund has been exhausted by, among other things, the payment of catastrophic claims and such assessments are required to preserve the fiscal and actuarial soundness of the Trust and its ability to pay claims and otherwise satisfy any outstanding indebtedness.

(d) Termination Premium - A Terminated Participant shall be required to pay a Termination Premium which shall be sufficient to pay any outstanding contributions and assessments due and owing on the effective date of the Participant's withdrawal or expulsion and any assessments made by the Board of Trustees on that Participant as of that effective date.

After the withdrawal or expulsion of a Participant, that Participant shall remain liable for any additional payments, including any assessments for any periods during which that Participant was provided coverage under the Trust, and the actuarial development thereof.

6.02 **Establishment of Separate Funds by Trustees.** The Trustees shall direct the Fiscal Agent to establish separate funds to hold the Trust monies. The Trustees shall cause monies received from time to time to be deposited in such funds in a proportion to be determined by the Trustees, and such funds shall be segregated and held in the following funds:

(a) The General Operating Fund. The General Operating Fund shall be an interest bearing account in the name of the Trustees and shall consist of all income of the Trust which is not held in the Reserve Fund or other funds. The Trustees shall cause adequate reserves to be maintained in the General Operating Fund to provide for current claims and claims incurred but not reported.

All administrative costs, claims, service fees, bond costs, insurance premium costs, Trustees' counsel's fees, accountants' fees, actuarial fees, taxes and assessments imposed on the Trust, compensation and expense reimbursements, as determined by the Trustees, shall be paid by the Administrator or the Service Agent from the General Operating Fund.

(b) The Reserve Fund. The Reserve Fund shall be an interest bearing account in the name of the Trustees and shall consist of the initial surplus contribution made by each Participant and any assessments, contributions or other payments which may be required thereafter by the Trustees. Trustees may also allocate to the Reserve Fund monies from the General Operating Fund. Monies in the Reserve Fund shall be used to pay for deficits in the General Operating Fund or for any other prudent or necessary use as determined by a majority vote of all Trustees, including dividends or rebates under Sub-Section (c) hereof.

(c) Dividend Fund. The Dividend Fund shall be an interest bearing account in the name of the Trustees and shall consist of such moneys as the Trustees shall appropriate as determined by the availability of annual surplus moneys as certified by the Trust Actuary.

The Trustees may in their sole discretion determine to pay dividends or rebates to Participants in accordance with a formula adopted by the Trustees.

The Trustees first shall allocate and transfer any and all amounts necessary from the Dividend Fund to eliminate deficits in the Operating Fund before using Reserve Fund assets to pay such deficits.

(d) Other Funds. The Trustees may create such other funds as they deem necessary to carry out the intent of this Trust Agreement, including, but not limited to, funds required by any subsequent law or regulation of any appropriate governmental entity.

6.03 **Restricted Investment of Assets.** The Trust may invest any surplus moneys not needed for current obligations in United States Government obligations, United States Treasury Notes, Investment Share Accounts in any Savings and Loan Association whose deposits are insured by a Federal Agency and Certificates of Deposit issued by a duly chartered commercial bank. Deposits in Savings and Loan Associations and Commercial Banks shall be limited to the federally insured amount in any one account. Investments may also be made in any permitted investments of capital or surplus of stock casualty insurance companies set forth in Section 602 or 603 of the Insurance Company Law of 1921, as may be authorized by regulation approved by the Insurance Commissioner of the Commonwealth of Pennsylvania.

6.04 **Deficits.** In the event of a deficit in the General Operating Fund for any Trust Year, the deficit shall be made up from any of the following:

(1) Unencumbered funds, including monies from the Dividend Fund and/or the Reserve Fund;

(2) Any premiums or contributions paid by the Participants in the Trust.

(3) Any contributions or assessments paid by Participants as required by the Board of Trustees in the event the Reserve Fund is exhausted by, among other things, the payment of catastrophic claim(s).

ARTICLE VII

AMENDMENTS

7.01 **Amendments Not Requiring Consent of Participants.** The terms and provisions of this Agreement may be amended at any time by a majority vote of the Trustees for one (1) or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Agreement;

(b) To change or modify any provisions of the Agreement so as to comply with any applicable law, regulation or administrative ruling which may be in effect; or

(c) To change or modify any provision of this Agreement so as to grant any additional rights, authority or power to the Trustees and to the Participants as may lawfully be granted to or conferred upon them.

7.02 **Amendments Requiring Consent of Participants.** The Participants by a majority vote of all Participants may consent to and approve any other amendments approved by a vote of the Trustees and presented to the Participants, for the purpose of modifying, altering or amending, adding to or rescinding any of the terms or provisions contained in this Agreement, including, but not limited to, the inclusion of additional types of insurance coverages subject to the limitations contained in Section 7.03 hereof. The Trustees shall prescribe rules and procedures for submission of proposed amendments to the Participants.

7.03 **Limitations on Amendments.** No amendment shall be adopted which alters the basic purpose of the Trust or alters the obligation of Participants to pay any assessments or contributions which may be established under Article VI hereof.

ARTICLE VIII

TERMINATION

8.01 **Term of Trust.** The Trust shall continue unless and until terminated pursuant to law or by an instrument in writing signed by a majority of all the Participants.

8.02 **Termination of the Trust.** In the event of termination of the Trust, the Participants covenant and agree to make any provision for the payment of any outstanding indebtedness and for the payment of claims against the Trust or its Participants as may be required by the Trustees, including the deposit with the Trustees of funds, surety bonds, or such other guarantees of payment as deemed required and sufficient by the Trustees. Upon termination, the Trustees shall continue to serve as Trustees to wind up the affairs of the Trust, including providing for all outstanding obligations, and each Participant shall be entitled to receive distribution of its pro rata share of any remaining funds, the calculation of such distribution to be determined by the Trustees.

ARTICLE IX

MISCELLANEOUS

9.01 **Execution of Documents.** The Trustees may authorize any Trustee or the Administrator to execute any notice, certificate or other written instrument relating to the Trust (except the Trust Agreement, Trust Amendment or termination of the Trust which must be executed by two or more trustees) and all persons, partnerships, corporations, or associations may rely upon such notice or instrument so executed as having been duly authorized and as binding on the Trust and the Trustees.

9.02 **Notice.** All notices, requests, demands and other communications related to this Agreement, unless otherwise so provided herein, shall be in writing and shall be deemed to be duly given when sent by first-class, registered or certified mail postage paid, return receipts requested, when personally delivered by hand, or when transmitted by cable, telex or telegraph, at such addresses as have been last provided to the Trust. The initial address for such notices, requests, demands or other communications to the Trustees and each Participant shall be provided to the Administrator. The parties shall notify the Administrator as to any change in address.

9.03 **Construction.** This Agreement shall be governed by the laws of the Commonwealth of Pennsylvania.

9.04 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, by the Trustees and the authorized Officers of the Participant, of a counterpart signature page in the forms attached hereto, which together with this Agreement and all other duly executed signature pages shall constitute the complete Agreement among all the parties hereto.

9.05 **Subrogation.** Each Participant agrees that in the event of the payment of any loss by the Trust under this Agreement, the Trust shall be subrogated to the extent of such payment to all the rights of the Participant against any person or other entity legally responsible for damages for said loss, and in such event the Participant hereby agrees to render all reasonable assistance, other than pecuniary, to effect recovery.

9.06 **Defense by Trust.** The Trust shall have a duty to defend all Participants against claims as set forth in the Trust.

9.07 **Limitation of Liability.** Liability of the Trust to any Participant is specifically limited to those coverages provided in the Pennsylvania Workmens' Compensation Act and Occupational Disease Act.

9.08 Each Participant hereby acknowledges that judgment may be confessed against it by complaint brought by the Trustees, pursuant to the requirements of Pennsylvania Rules of Civil Procedure, for the amount of its earned but unpaid premiums or its premium deposits due or its assessments due to said Trustees, as calculated by said Trustees, said amounts to include an attorney's fee in the penal sum of ten percent plus interest at the maximum lawful rate to be calculated from the first day on which such amount became due; and it is further expressly understood that the parties hereto have bargained at arm's length concerning the terms of this Agreement, and that this Agreement does not constitute a consumer transaction.

9.09 **General Representations of Participants.**

a. The Participant is a political subdivision as defined in Section 101. The Participant has the power to enter into this Agreement and any other documents in connection herewith and the transactions contemplated hereunder and thereunder. The party executing this Agreement on behalf of the Participant has full power and authority to execute same and any documents executed in connection herewith.

b. This Agreement has been duly and validly executed and is a valid and binding agreement on the Participant under the laws of the Commonwealth of Pennsylvania, enforceable in accordance with its terms, subject to bankruptcy, insolvency and other laws affecting creditors' rights generally and such principles of equity as the court, in its discretion, may impose with respect to remedies which may require enforcement by a court of equity.

9.10 **Severability of Invalid Provisions.** If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Agreement and such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and the remaining parts of this Agreement shall be construed so as to give practical realization to the purposes intended to be achieved by the parties as if such invalid or illegal or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the Trustees, have executed this Trust Agreement, all as of the date above first mentioned.

WITNESS:	FOR THE TRUSTEES:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Approved as to form:

/s/ John M. Means
Legal Counsel

IN WITNESS WHEREOF, the PARTICIPANT, has caused this Trust Agreement to be executed as of May 1, 1992 on the execution date of September 14, 199 2 .

Attest:

TOWNSHIP OF WILKINS
Participant

(SEAL) Ass't.Secretary

By:
(TITLE): Victor A. Dinzeo
President,
Board of Commissioners

CERTIFICATE OF AUTHORITY

I, Gerald S. Patterson, Jr., of TOWNSHIP OF WILKINS
(Title: Assistant Secretary) Participant

certify that the above signature has been fully authorized by

TOWNSHIP OF WILKINS
(Name of Governing Body)
(attach copy of ordinance or other authorization).

Date: September 14, 1992

Signed:
Gerald S. Patterson, Jr.
Assistant Secretary

MUNICIPAL RISK MANAGEMENT WORKMEN'S COMPENSATION POOLED TRUST

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ORDINANCE NO. 826

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING PARTICIPATION IN THE MUNICIPAL RISK MANAGEMENT WORKMEN'S COMPENSATION POOLED TRUST

SECTION I: The proper municipal officers are hereby authorized to execute and deliver the following documents:

A. The Municipal Risk Management Workmen's Compensation Pooled Trust Agreement (hereafter the Agreement)

B. The Participant Application. Which documents are attached hereto and made a part hereof and which may be inspected by any interested citizen at the office of the municipal secretary.

SECTION II: The duration of the term of the Agreement is four years from the date of admission to the Trust as a Participant.

SECTION III: The purpose and objectives of the Agreement are set forth in Article V of the Agreement.

SECTION IV: The powers and scope of authority delegated are set forth in Article II, Article V, Article VI, Article VIII and Article IX of the Agreement.

SECTION V: The funds for meeting the obligations of the Political Subdivision under the Agreement shall be appropriated from the general funds of the Political Subdivision.

SECTION VI: The organizational structure necessary to implement the Agreement consists of the Trust, Trustees, Service Agents and Fiscal Agents created by the Agreement.

SECTION VII: Property acquired for purposes of the Trust shall be acquired, managed and disposed of under the terms of the attached Trust Agreement.

SECTION VIII: The Trust shall be empowered to enter into contracts for policies of group insurance and employe benefits, including social security for its employes.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 14th day of September, 1992.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President
Board of Commissioners

ATTEST:

Gerald S. Patterson Jr.

Gerald S. Patterson, Jr.
Assistant Secretary

[redacted]

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ORDINANCE NO. 827

AN ORDINANCE OF THE TOWNSHIP OF WILKINS CONTROLLING SOIL EROSION, SEDIMENTATION AND GRADING; DETERMINING THE SCOPE, PURPOSE AND DEFINITIONS THEREOF; ESTABLISHING GENERAL AND SPECIAL REQUIREMENTS THEREFOR; PROVIDING FOR PERMIT REQUIREMENTS AND EXEMPTIONS THEREFROM; MANDATING APPLICATION PROCEDURES AND PLAN SUBMISSIONS; ESTABLISHING STANDARDS FOR APPROVAL AND ISSUANCE OF PERMITS; REQUIRING INSPECTIONS AND ALLOCATING THE COST THEREOF; AUTHORIZING PERMIT FEES; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

THE TOWNSHIP OF WILKINS hereby ordains:

SECTION I. SHORT TITLE. This ordinance shall be known and may be cited as the "Soil Erosion, Sedimentation and Grading Control Ordinance" implementing Title 25, Rules and Regulations, Pt. I, Commonwealth of Pennsylvania, Department of Environmental Resources, Sub-part C, Protection of Natural Resources, Article II, Water Resources, Chapter 102 Erosion Control.

SECTION 2. PURPOSES. The purposes of this ordinance are to regulate the modification of the natural terrain, the alteration of drainage, and to provide for certain erosion and sediment control measures with the Township to assure and safeguard health, safety ecology and the general welfare in the Township.

SECTION 3. SCOPE. From and after the effective date of this ordinance, any subdivision and/or land development approved under the subdivision and land development or zoning ordinances, or activity qualified under sections 5 and 6 herein shall be in conformity with this ordinance. In the event of a conflict between this ordinance and flood plain regulations, the flood plain regulations shall take precedence.

SECTION 4. DEFINITIONS. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ALLUVIALSOILS - An agonal great group of soils, developed from transported and relatively recently deposited material (alluvium), characterized by a weak modification (or none) of the original material by soil forming processes.

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

EROSION -
1. The wearing away of the land surface by running water, wind, ice, chemical or other geological agents:
2. Detachment and movement of soil or rock fragments by water, wind, ice, or gravity:

GRADE -
1. The slope of a road, channel or natural ground;
2. The finished surface of a canal bed, roadbed, top of embankment or bottom of excavation; any surface prepared for the support of construction like paving or laying a conduit;
3. To finish the surface of a canal bed, roadbed, top of embankment, or bottom or excavation.

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

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

SLOPE - Degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

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

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

SECTION 5, GENERAL REQUIREMENTS, Whenever the landscape is to be permanently disturbed as to either contours, soil or slope characteristics, or vegetation or any ground cover is to be permanently removed, a plan is required showing how resulting erosion and sediment shall be controlled. This plan shall include the following:

1...The amount of site alteration proposed

2. Development of schedule

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

SECTION 6. ACTIVITIES REQUIRING GRADING PERMIT. The following activities require a grading permit:

1. Modifying, disturbing, blocking, diverting or otherwise adversely affecting the natural overland or subsurface flow of storm water

2. Construction, erection, or installation of any drainage dam, ditch, culvert, drain pipe, bridge or any other structure or obstruction affecting the drainage of any premises

3. Paving, filling, stripping, excavating, grading or regrading of any land

4. Disturbing the landscape, vegetation or any ground cover by an proposal involving an area in excess of five thousand (5,000) square feet.

SECTION 7. ACTIVITIES REQUIRING NO GRADING PERMIT. The following activities require no grading permit:

1. Improvements, such as erection of retaining walls, driveway paving, minor regrading or activities on a property which do not adversely affect the natural overland or subsurface flow of storm water, drainage of any premises, or adversely disturb the landscape, in a gross area of up to twenty five acres on any one property.

2. Farming, gardening, or lawn restoration, but not including sod farming.

SECTION 8. APPLICATION FOR PERMIT

1. Any person, firm or corporation proposing to engage in an activity requiring a grading permit hereunder shall apply by the submission of a plan.

2. The applicant should, before submitting a preliminary plan for review, consult the (zoning ordinance, the flood plain regulations and the subdivision and land development ordinance), and grading ordinance, which regulate the development of land in the Township of Wilkins.

3. A separate plan shall be required for each grading permit.

4. Five (5) copies of the proposed plan, including specifications and development schedules shall be submitted to the Township Manager for a grading permit. The Manager shall forward one copy of the plan to the Planning Commission, one copy to the Township Engineer and one copy to the Zoning Officer.

5. The plan for a grading permit shall be accompanied by a fee established in the Township's schedule of fees and collection procedure for all applications and other matters pertaining to the subdivision and land development ordinance and this ordinance.

SECTION 9. DATA REQUIRED ON PLAN. The plan for a grading permit shall include:

1. A valid boundary line survey of the site on which the work is to be performed.

2. A description of the features, existing and proposed, surrounding the site which are of importance to the proposed development

3. A plan of the general topography (including drainage) and soil conditions on the site (latter available through the County Conservation District)

4. The location and a description of existing and future man-made features of importance to the proposed development (i.e., cuts and/or fills, buildings, roads, and driveways)

5. Pland and specifications of soil erosion and sediment control measures in accordnace with standards and specifications of the Township of Wilkins and the County Conservation District.

6. A development schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

SECTION 10. SPECIAL REQUIREMENTS. In addition to the requirements of Section 9, and where deemed necessary by the Township Engineer and the Planning Commission, or the Commissioners, the applicant shall submit with the plan a detailed drainage study prepared by a registered professional engineer qualified in hydrology in the Commonwealth. This study shall include:

1. A plan of the property showing the location of all present and proposed ditches, streams, pipes and other drainage structures, and proposed cuts and/or fills. In addition to showing present elevations and dimensions, and location and extent of all proposed grading and/or drainage, the plan shall clearly indicate all woodlands, buildings, parking areas and driveways. Further, the plan shall indicate the present and proposed sources, storage and disposition of water being channeled through or across the premises, together with elevations, gradients, and maximum flow rates. The plan shall describe the work to be performed and disposition of cut and/or fill, the materials to be used and the manner or method of performance including provisions for protecting and maintaining existing drainage facilities whether on public or private property. The applicant shall also supply the supporting data for the plan as developed by the engineer.

2. Calculations to determine runoff, which shall be based on the Soil-Cover Complex Mathod, a description of which is available from the U.S.D.A. Soil Conservation Service and outlined in the "Erosion and Sediment Control Handbook, Allegheny County, Pennsylvania".

A. The design criteria for storm sewer piping on inlet systems within a subdivision being developed shall be designed for a 25 year frequency storm; culverts across roadways shall be designed for a 50 year frequency storm; open watercources or swales shall be designed for a 100 year frequency storm as prescribed in accordance with the following:

(1) The coefficient of runoff used for all areas up-stream of any drainage structure shall be computed on the basis of existing land use and the projected land use described and shown on the Township's Comprehensive Plan, and adjacent municipalities' comprehensive plans, where applicable.

B. The following provisions apply to the carrying and disposal of storm water runoff:

(1) All drainage facilities shall be designed to carry surface water in such a manner as to prevent erosion or overflow.

(2) The applicant shall agree to the granting and recording of easements covering the installation and maintenance of drainage facilities.

(3) The rate of runoff shall be no greater during and after a 100 year frequency storm when the development is completed than that which existed before the development began and appropriate measuresments of calculations shall be provided to verify such provisions.

3. A Soils investigation report, if load-bearing fill is proposed, which shall consist of test borings, laboratory testings and engineering analysis to correlate surface and subsurface conditions with the proposes grading plan. The results of the investigation shall be presented in a report by a registered professional soils engineer and shall include: data regarding the nature, distribution and supporting ability of existing soils and rocks on the site, conclusions and recommendations to insure stable soil conditions and ground water control as applicable. The Township may require such supplemental reports and data as is deemed necessary by the Township Engineer. Recommendations included in such reports and approved by the Township Engineer shall be incorporated in the plan or specifications. In addition:

A. Fills toeing out on natural slopes steeper than four (4) horizontal to one (1) vertical shall not be made unless a report is received which is deemed acceptable by the Township Engineer and approved by the Commissioners. The report shall be made by a registered professional soils engineer certifying that he has investigated the property, made soils tests and that in his opinion such steeper slopes will safely support the proposed fill.

B. Natural and/or existing slopes exceeding five (5) horizontal to one (1) vertical shall be benched or continuously stepped into competent materials prior to placing all classes of fill.

SECTION 11. APPROVAL. Upon the approval of the plan by the Township Engineer, the Township Manager shall issue the necessary grading permit.

SECTION 12. STANDARDS FOR ISSUANCE OF GRADING PERMIT.

1. Notwithstanding any provision of this ordinance or any condition of the grading permit, the permittee is responsible for the prevention of damage to other property, or personal injury, which may be effected by the activity requiring a grading permit.

2. No person, firm or corporation shall modify, fill, excavate, pave, grade, or regrade land in any manner so close to a property line as to endanger or damage any adjoining street, alley, or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sediment, flooding, or any other physical damage or personal injury which might result.

3. No person, firm or corporation shall deposit or place any debris or any other material whatsoever, or cause such to be thrown or placed, in any drainage ditch or drainage structure in such a manner as to obstruct free flow.

4. No person, firm, or corporation shall fail to adequately maintain, in good operating order, any drainage facility on his premises. All drainage ditches, culverts, drain pipes, and drainage structures shall be kept open and free-flowing at all times.

5. Theowner of any property on which any work has been done pursuant to a grading permit granted under this ordinance shall continuously maintain and repair all graded surfaces and anti-erosion devices, retaining walls, drainage structures or means and other protective devices, plantings and ground cover, installed or completed. The Township is responsible for maintenance and repair within the right-of-way of municipal roads.

6. All graded surfaces shall be permanently seeded, and/or planted or otherwise protected from erosion within thirty (30) days, weather permitting, and shall be tended and/or maintained until growth, is well established. The disturbed area and duration of exposure shall be kept to a minimum using temporary erosion and sediment control measures immediately, as outlined in the "Erosion and Sediment Control Handbook, Allegheny County, Pennsylvania".

7. All trees in an area of extreme grade change shall be protedted with suitable tree wells, unless the necessity for removal is established. Precautions shall be taken to prevent the unnecessary removal of trees.

8. When required, adequate provisions shall be made for dust control measures as are deemed acceptable by the Township Engineer.

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

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

A. Technical standards for the design and installation of erosion and sediment control measures are on file with the Township, the office of the County Conservation District and other governmental agency offices.

B. Standards and specifications adopted for the purposes of this ordinance and by the County Conservation District include, but are not limited to, the following basic conservation measures:

(1) Temporary cover on critical areas

(2) Permanent grass and legume cover for critical areas on prepared seedbed

(3) Permanent grass and legume cover for critical areas on unprepared seedbed

(4) Sodding

(5) Mulching

(6) Temporary diversion

(7) Permanent diversion

(8) Grassed waterway or outlet

(9) Grade stabilization structure

(10) Debris basin,

(11) Drain, and

(12) Drainage - mains or laterals

10. A quality control program is critical for fills, therefore, wherever fill material is to be used, the person, firm or corporation shall be responsible for testing to determine its dry density as per ASTM D 1556. The density of each layer shall be not less than ninety five percent (95%) of maximum density as determined by ASTM D 1557.

A. Inspection procedure shall follow the general procedure as stated in Section 13.

B. Compaction test reports shall be kept on file at the site and be subject to review at all times.

C. Degree of compaction required shall be determined by the Township Engineer following the guidelines in this section.

SECTION 13. INSPECTION PROCEDURES.

1. All inspections shall be the responsibility of the Township Engineer, or, in his absence, a qualified person acceptable to the Township Engineer and the Commissioners.

2. Inspections will be carried out on a random basis, except as stated below. However, a set of "as built" plans shall be on file at the site and authenticated by a registered professional engineer. When it is deemed acceptable to the Township Engineer a designated qualified person may authenticate the "as built" plans and will assume full responsibility for the quality of work.

3. Any and all "as built" plans shall be available on the site at all times and be subject to inspection and inquiry.

4. Engineering check notes shall accompany all "as built" plans which involve structural or mechanical measures and shall serve as supporting evidence that structures meet design standards and specifications specified herein.

5. A final inspection shall be conducted by the Township Engineer to certify complaince with this ordinance. Satisfactory compliance with this ordinance shall be necessary before issuance of an occupancy or use permit.

SECTION 14. COSTS OF INSPECTION. Permittees shall bear all costs of inspections required or permitted hereunder and shall deposit with the Township such sum as the Commissioners shall determine, to guarantee payment of the costs of such inspections. The costs of inspections shall be in accordance with the established schedule of fees and collection procedure for matters pertaining to this ordinance.

SECTION 15. FEE. The fee for a grading permit shall be fixed by the Commissioners pursuant to Resolution.

SECTION 16. PENALTIES. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars ($600.00), and in default of payment, to undergo imprisionment for a term not exceeding thirty (30) days. Each day that a violation of this ordinance continues, shall constitute a separate offense.

SECTION 17. REMEDY OF VIOLATION. In addition to the penalties as set forth in Section 16, any movement of the landscape, vegetation or any ground cover, performed in violation of this ordinance shall be restored to its previous condition, including replacement of excavated earth, removal of illegally placed fill, and restoration of grades and planting. In order to enforce this section the Township Solicitor may seek injunctive relief in accordance with the rules of civil procedure.

SECTION 18. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

SECTION 19. SEVERABILITY. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 20. EFFECTIVE DATE. This ordinance shall become effective on October 12, 1992.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of October, 1992.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.
Assistant Secretary

ORDINANCE NO. 828

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN LEAX LANE, DESIGNATING THE PROJECT AS THE LEAX LANE SANITARY SEWER DISTRICT, PROVIDING FOR THE WORK OF CONSTRUCTION TO BE DONE UNDER CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER AND PROVIDING FOR THE IMPOSITION OF A CONNECTION CHARGE, AND TAP IN FEE OR SEWER RENTAL OR ASSESSMENT AS DETERMINED BY THE BOARD OF COMMISSIONERS UPON COMPLETION.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1.
The construction of an eight inch sanitary sewer and appurtenant manholes is hereby authorized and directed along Leax Lane in the Township of Wilkins, as more particularly shown on the plans prepared by the Senate Engineering Company 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 2.
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 3.
Upon the completion and construction of said sewer, each property accommodated by the sewer shall make connection to same as provided in Ordinance No. 306 and pay to the Township a connection fee of $150.00.

SECTION 4.
Upon completion of the construction of the sewers in this district, the Board of Commissioners shall establish by ordinance either a tap in fee or sewer rental or assessment procedure.

SECTION 5.
The sanitary sewer project herein authorized shall be known as and is hereby designated as the Leax Lane Sanitary Sewer District.

SECTION 6.
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 26th day of October 1992.

ATTEST:

Gerald S. Patterson, Jr.
Assistant Secretary

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
President, Board of Commissioners
Victor A. Dinzeo

MUSEUM OF COMPARATIVE ZOOLOGY
HARVARD UNIVERSITY

ORDINANCE NO. 829

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 823 BY ADDING THERETO SECTIONS REGULATING AIR POLLUTION AND WORK HOURS AT CONSTRUCTION SITES WITHIN THE TOWNSHIP OF WILKINS.

The Township of Wilkins ordains as follows:

SECTION I: Section 3 of Ordinance No. 823 (adopting The BOCA National Building Code/1990, Eleventh Edition) is amended as follows:

Article 7 of BOCA is amended by adding thereto the following sections:

SECTION 716.1: All earth moving and construction activity conducted in or on land development or building sites in all zoning districts shall be conducted so as to prevent and eliminate all pollution of the air over or onto realty adjacent to or in the vicinity of the land development or building site.

SECTION 716.2: Pollution of the air includes pollutants arising as a result of land development or construction activity, including but not limited to dust, smoke and pollen.

SECTION 716.3: The owner of and any contractor involved in a land development or construction site shall provide, at all times, sufficient technology and equipment to assure that polluted air does not escape from the perimeters of the land development or building site.

Article 7 of BOCA is amended by adding thereto the following section:

SECTION 717.1: All earthmoving or construction activity conducted in or on all land development or buildings sites, in all zoning districts, which activity creates noise which is projected beyond the perimeters of the land on which the land development or construction activity is conducted, shall be limited to the following hours of work:

MONDAY THROUGH FRIDAY	**8:00 A.M. TO 6:00 P.M. PREVAILING TIME**
SATURDAY	**9:00 A.M. TO 5:00 P.M. PREVAILING TIME**
SUNDAY	**NONE**

Construction activity includes the operation of machinery, engines and vehicles, the operation of which shall not commence before or continue after the hours designated herein.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 9th day of November, 1992.

TOWNSHIP OF WILKINS

by Victor A. Dinzeo

Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.

Gerald S. Patterson, Jr.
Assistant Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 831

AN ORDINANCE OF THE TOWNSHIP OF WILKINS FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 1993

That a tax be and same is hereby levied on all real property within the Township of Wilkins subject to taxation for the fiscal year 1993 as follows:

TAX RATE FOR GENERAL PURPOSES

The sum of twenty-one and one half (21-1/2) mills on each dollar of assessed valuation or the sum of two hundred fifteen (215) 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	21-1/2 Mills	215 Cents
TOTAL	21-1/2 Mills	215 Cents

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.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of December, 1992.

TOWNSHIP OF WILKINS

BY Victor A. Dinzeo

Victor A. Dinzeo
President, Bd of Commissioners

ATTEST:

Gerald S. Patterson, Jr.

Gerald S. Patterson, Jr.
Assistant Secretary

ORDINANCE NO. 830

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

SECTION I: The annual compensation of the Township Manager shall be set at $47,250.00 effective January 1, 1993.

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

SECTION III: Any Ordinance or part of an ordinance conflicting with this ordinance is hereby repealed.

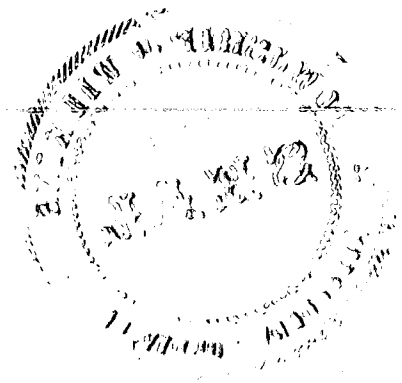
ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of December, 1992.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President,
Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.
Assistant Secretary



ORDINANCE NO. 832

AN ORDINANCE OF THE TOWNSHIP OF WILKINS IN THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED, FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH DURING THE YEAR 1993.

BE IT ORDAINED AND ENACTED by the Board of Township Commissioners of the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania.

SECTION I: That the expenditures and expenses of the fiscal year 1993 the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the year 1993 for the specific purposes as set forth:

BUDGET SUMMARY–ALL BUDGETED FUNDS

Schedule A

Line No.	GOVERNMENTAL FUNDS						
		SPECIAL REVENUE FUNDS 04			18 Other 19 Governmental 30 Funds 20	08 Proprietary Funds (06-09)	60 62 Fiduciary Funds (50-69)
	General Fund (1)	Highway Aid Fund (35)	Revenue Sharing Fund (85)	Other Special Revenue Funds (02-05)			
1							
2	100,000	9,300		4,800	66,263		1,593,541
3							
4							
5							
6							
7							
8							
9	100,000	9,300		4,800	66,263		1,593,541
10							
11	2,016,704						
12	50,700						
13	21,100						
14	20,566	1,000		300	1,868	2,000	82,625
15	114,923	97,094					
16	43,570					546,116	
17	8,758			15,000			22,606
18	379,000				110,418		128,334
19	2,655,321	98,094		15,300	112,286	548,116	233,565
20	2,755,321	107,394		20,100	178,549	548,116	1,827,106
21							
22	307,567			20,100	52,354		
23	1,115,258				27,377		48,604
24							
25							
26	277,323					548,116	
27	537,019	107,394					
28							
29	14,361				17,000		
30							
31	386,800				81,818		
32	2,575						24,166
33	114,418						
34	2,755,321	107,394		20,100	178,549	548,116	72,770
35							1,754,336
36							
37							
38		-0-		-0-	-0-	-0-	1,754,336
39	2,755,321	107,394		20,100	178,549	548,116	1,827,106

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.	1,773,904	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	1,773,904	9
	Revenues and Other Financing Sources		10
300	Taxes (from Schedule C)	2,016,704	11
320	Licenses and Permits	50,700	12
330	Fines and Forfeits	21,100	13
340	Interest, Rents, and Royalties	108,359	14
350	Intergovernmental Revenue	212,017	15
360	Charges for Services (Departmental Earnings)	589,686	16
380	Miscellaneous Revenues	46,364	17
390	Other Financing Sources	617,752	18
	Total Revenues and Other Financing Sources (sum of lines 11 thru 18)	3,662,682	19
	Total Available for Appropriation (sum of lines 9 and 19)	5,436,586	20
	Expenditures or Expenses and Other Financing Uses		21
400	General Government	380,021	22
410	Public Safety (Protection to Persons and Property)	1,191,239	23
420	Health and Welfare		24
	Public Works—		25
426	Sanitation	825,439	26
430	Highways, Roads, and Streets	644,413	27
440	Other		28
450	Culture—Recreation	31,361	29
460	Conservation and Development		30
470	Debt Service	468,618	31
480	Miscellaneous Expenditures or Expenses	26,741	32
490	Other Financing Uses	114,418	33
	Total Expenditures or Expenses and Other Financing Uses (sum of lines 22 thru 33)	3,682,250	34
	Assets - December 31	1,754,336	35
	Less Liabilities - December 31		36
	Less Reserves - December 31		37
	Unappropriated Fund Equity (line 35 less lines 36 and 37)	1,754,336	38
	Total Appropriated and Unappropriated (sum of lines 34 and 38)	5,436,586	39

SECTION II:

That any Ordinance conflicting with this Ordinance be and the same affects this Ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of December, 1992.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo
Victor A. Dinzeo
President
Board of Commissioners

ATTEST:
Gerald S. Patterson, Jr.
Gerald S. Patterson, Jr.
Assistant Secretary

ORDINANCE NO. 833

AN ORDINANCE OF THE TOWNSHIP OF WILKINS PROVIDING FOR COMPENSATION AND EMOLUMENTS OF OFFICE OF TOWNSHIP COMMISSIONERS ASSUMING OFFICE ON OR AFTER JANUARY 1994

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I: Any Township Commissioner of the Township of Wilkins whose term begins in January 1994 or thereafter shall be compensated at the maximum amount set by Act of the General Assembly of the Commonwealth of Pennsylvania from time to time, and shall be entitled to receive any other emolument of the office specified by Act of the General Assembly as now or hereafter provided from time to time, including but not limited to group insurance coverage as set forth in Act 150 of 1992; subject, however, to the provisions of Section 603 of the First Class Township Code as now or hereafter amended, re-enacted or supplied.

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

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins, at a duly assembled meeting held 25th day of January, 1993.

TOWNSHIP OF WILKINS

Victor A. Dinzeo

BY_____

VICTOR A. DINZEO
PRESIDENT
BOARD OF COMMISSIONERS

ATTEST:

Gerald S. Patterson Jr.

GERALD S. PATTERSON, JR.
ASSISTANT SECRETARY

ORDINANCE NO. 834

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING THE ZONING ORDINANCE: PROVIDING FOR THE REGULATION OF SIGNS THROUGH DEVELOPMENT STANDARDS: MAINTENANCE STANDARDS: PROHIBITION OF CERTAIN TYPES OF SIGNS: DEVELOPMENT STANDARDS FOR BILLBOARDS, CANOPY AND AWNING SIGNS FREESTANDING SIGNS, ILLUMINATED SIGNS, SUSPENDED SIGNS, WALL SIGNS, WINDOW SIGNS, SIGNS AT CERTAIN INTERSECTIONS, AND SIGNS FOR MULTI-OCCUPANT LAND USES AND PROVIDING FOR NON-CONFORMING SIGNS.

Ordinance No. 834

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING THE ZONING ORDINANCE; PROVIDING FOR THE REGULATION OF SIGNS THROUGH DEVELOPMENT STANDARDS; MAINTENANCE STANDARDS; PROHIBITION OF CERTAIN TYPES OF SIGNS; DEVELOPMENT STANDARDS FOR BILLBOARDS, CANOPY AND AWNING SIGNS, FREESTANDING SIGNS, ILLUMINATED SIGNS, SUSPENDED SIGNS, WALL SIGNS, WINDOW SIGNS, SIGNS AT CERTAIN INTERSECTIONS, AND SIGNS FOR MULTI-OCCUPANT LAND USES AND PROVIDING FOR NON-CONFORMING SIGNS.

WHEREAS, the Board of Commissioners of the Township of Wilkins previously adopted Ordinance No. 542, as amended; and

WHEREAS, the Board of Commissioners, in accordance with the provisions of the Pennsylvania Municipalities Code, adopted a Decision at its meeting of December 14, 1992, which Decision made specific findings relative to the purported invalidity of certain provisions of Ordinance No. 542, as amended, as the same relates to "Sign, Advertising"; and

WHEREAS, the Board of Commissioners has received a report from the Allegheny County Planning Commission and has heard testimony from a planning expert and representatives of the sign advertising industry; and

WHEREAS, as a result of the testimony and evidence presented to the Board of Commissioners, the Board has determined that the public safety, health and welfare and the appearance of the Township require that advertising signs (Billboards) not be erected in residential zones; that advertising signs are not aesthetically compatible with residences or residential zones and adversely affect property values of residential property; that advertising signs be constructed so as to be structurally sound and safe from collapse; that advertising signs be inspected regularly and maintained in a safe condition; that advertising signs not cause glare or otherwise become a nuisance or adversely affect quiet enjoyment of adjacent property owners of their properties; that when erected adjacent to public roads, advertising signs be restricted in size and number so that motorists may observe messages without undue likelihood of accident, and that commercial and industrial properties are not devalued by advertising sign blight; and

WHEREAS, the Planning Commission for the Township of Wilkins, Solicitor and Zoning Officer have studied the Ordinance and have approved the terms and provisions of the within curative Ordinance; and

WHEREAS, the Board of Commissioners of the Township of Wilkins believes that the within curative amendment legally, adequately and properly corrects the defects in its prior Zoning Ordinance relative to "Signs, Advertising"; and

WHEREAS, the Board of Commissioners desires to amend Ordinance No. 542, as amended, and does hereby amend the same.

NOW THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted by and with the authority of the same.

Section 1. Section 303 of the Zoning Ordinance No. 542 of the Township of Wilkins is amended by repealing Section 303 in its entirety and Article Six is amended by repealing Sections 601.21, 601.22 and 601.23.

Section 2. Zoning Ordinance No. 542 of The Township of Wilkins (hereinafter "Municipality") is hereby amended by re-enacting Section 303 as follows:

A. Purpose. This amendment is adopted for the following purposes:

(1) To preserve and protect the public safety, comfort and welfare of users of streets and sidewalks in the Municipality by regulating signs of all types;

(2) To enhance community appearance, reduce visual clutter and blight, promote the recreational value of public travel and the economic development of the Municipality;

(3) To limit the size, number and location of signs which may obstruct the vision of motorists, create distractions and increase traffic accidents;

(4) To maintain the right of residences and business to reasonably identify their location, products and services; and

(5) To acknowledge the appropriate display of signs as necessary to public service and to the conduct of competitive commerce.

B. Definitions. For the purposes of this Article, the following words and terms shall have the meanings respectively ascribed to them in this Section:

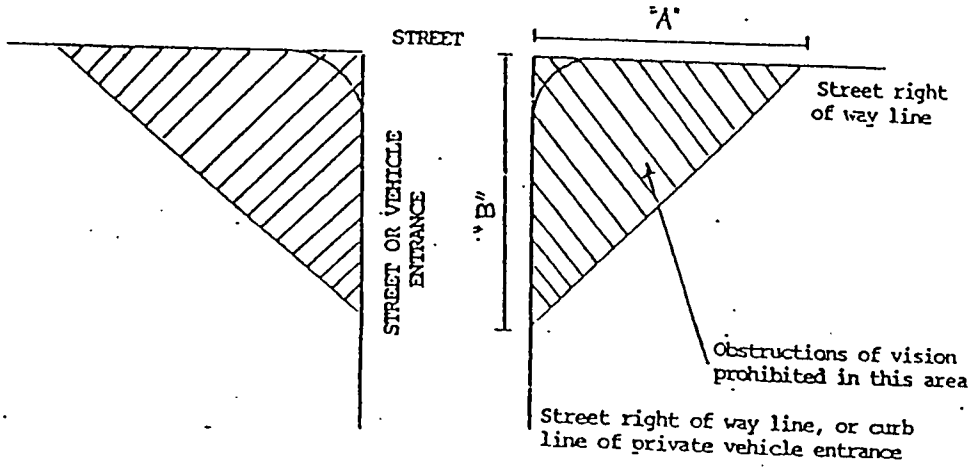
"Attention-Getting Device" means a pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon, or similar device or ornamentation which is designed or used for the purpose of promoting, advertising, or attracting attention.

"Billboards or Outdoor Advertising Structures" means a type of sign, display, or device, usually free standing, having a minimum surface area of thirty-five (35) square feet, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease. The definition applies to signs advertising both on-site and off-site products, goods and services.

"Canopy or Awning Sign" means a sign which appears on a roof-like shelter, either permanent, retractable, or removable, which is made of canvas or other material that is affixed to a building or self-supporting and provides protection from sun, rain, snow, and other elements.

"Changeable Copy Sign" means a sign wherein provision is made for the manual or electronic change of letters or characters in or upon the surface area of the sign.

"Clear Sight Triangle" means the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and a driveway), each point being that distance from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and a driveway) specified in the table following the graphic below.



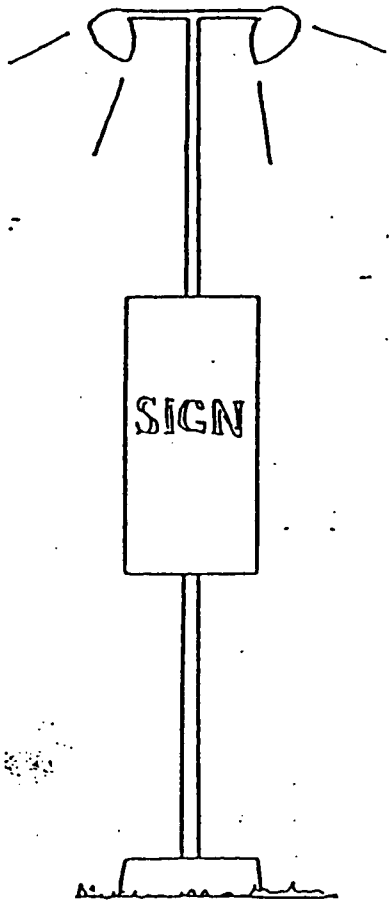
"A" (DISTANCE IN FEET)		"B" (DISTANCE IN FEET)		
		LS	AS	
30	Local Street & Collector Street	30	130-150	
130-150	Arterial Street	30	130-150	

"Festoon Lighting" means a group of two (2) or more light bulbs of more than 20 watts each hung or strung overhead, not on a building or structure, which are exposed to persons on a public right of way, or which are not shaded or hooded to prevent the direct rays of light from being visible from the property line. This shall not include the temporary erection of lights as part of a holiday celebration, or small lights of less than 20 watts each.

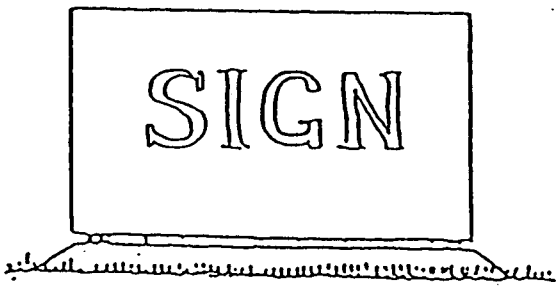
"Free-Standing Pole Sign or Ground Sign" means a sign which is completely or principally supported by one or more posts or other supports which are not attached to the principal building on the property but which are anchored in or upon the ground, including, pole signs (as shown on the left below), and ground signs (as shown on the right below). Signs attached to inoperative vehicles shall also be deemed freestanding signs. Freestanding signs shall not include billboards, outdoor advertising structures, or canopy or awning signs.

EXAMPLES OF FREE-STANDING SIGNS

Pole Sign



Ground Sign



"Illuminated Sign":

a. "Internally-Illuminated" means a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

b. "Externally-Illuminated" means a sign illuminated by an artificial source of light which is cast upon, or intentionally falls upon, the surface or face of the sign.

"Multi-Occupant Land Use" means any combination of multi-family dwellings and/or non-residential establishments in one or more buildings under single ownership or management with common parking facilities. This shall include, but not be limited to a shopping center, multi-tenant office building, apartment complex, or townhouse development.

"Nonconforming Sign" means any sign which was lawfully erected and maintained prior to the adoption and effective date of these regulations and any amendments hereto, which fails to conform to all applicable regulations and restrictions of this Article, or a sign previously deemed to be nonconforming for which a special permit has been issued.

"Portable Sign" means a sign that is not permanently affixed to a building, a structure, or the ground, or which is designed to be moved from place to place. This includes, but is not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles; sandwich signs; and trailer- or boat-mounted signs.

"Projecting Sign" means any sign that is attached to a wall in a perpendicular manner.

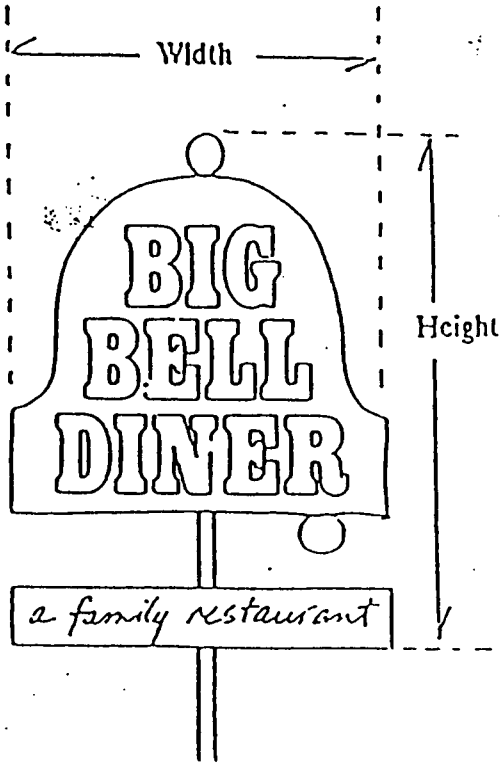
"Public Sign" means a sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions.

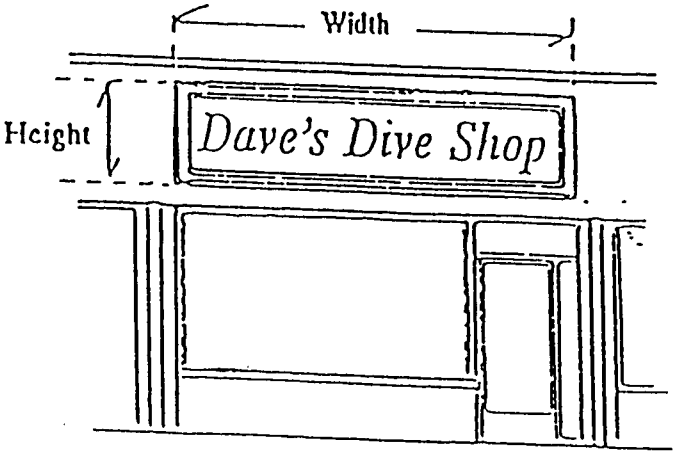
"Roof Sign" means a sign erected on or above a roof or parapet of a building.

"Sign" means any object, device, display, or structure or part thereof which is used primarily to advertise, identify, display, or direct or

attract attention to an object, person, institution, organization, business, project, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images. This includes, but is not limited to, wall signs, free-standing ground signs, free-standing pole signs, window signs, canopy or awning signs, suspended signs, changeable copy signs, illuminated signs, temporary signs, and any other type of sign defined herein, and any other attention-getting device, flag, or banner.

"Sign Surface Area" means the smallest rectangle or other regular geometric shape which encompasses all of the letters, symbols and accompanying designs, together with the background on which they are displayed, but not including any supporting structures. (See illustration below.) In computing the area of a double-faced sign, only one side shall be considered. If a sign is comprised of more than two sides, the area of each side shall be considered in calculating the sign area.





"Sign, Double-Faced" means two sign faces of identical size and dimensions placed back-to-back and secured or attached to a single support structure. It shall not include signs comprised of two or more sign faces attached at an angle.

"Suspended Sign" means a sign which is suspended over a pedestrian walkway from the marquee, overhang, soffit, or similar feature of a building.

"Temporary Sign" means a sign which is erected for a limited time period, including garage sale signs, grand opening signs, celebration signs, political campaign signs, real estate ("for sale" or "for rent") signs, and signs advertising special sales or business promotions.

"Vehicle Sign" means signs attached to any operative vehicle that relate to the purpose or use of the vehicle, such as taxi signs and delivery vehicle signs.

"Wall Sign" means a sign which is mounted on, attached to, carved or integrated into, or applied to the exterior wall of a building or structure, or to the lower slope of a mansard roof.

"Window Sign" means a sign which is painted on, affixed to, or placed against any window, or which is placed in a display case for view from the outdoors through a window.

C. General Sign Regulations.

(1) Sign Permit Application and Requirement.

a. Applications for a sign permit shall be made in writing to the Zoning Administrator, and shall be accompanied by such information as may be required to assure compliance with these regulations and all other appropriate ordinances and regulations of the Municipality.

No application shall be filed or considered unless the application fee designated by Resolution of the Board of Commissioners is paid upon presentation of the application.

b. Applicants for new or replacement signs shall apply for approval as part of an application for land development approval, or as a separate application if no other approval is necessary.

c. Sign permits shall be issued for the life of the sign, or any shorter period as stated on the approved permit application by the Zoning Administrator. However, any permit may be revoked at any time by the Zoning Administrator upon finding that the sign violates any provision of this article or that the permittee made false representations in securing the sign permit.

d. No person shall erect, construct or maintain any sign upon any property, structure or building without the prior written consent of the owner or person entitled to possession of the property, structure or building, or his or her authorized representative. The written consent must accompany the sign permit application.

e. Except as provided in Subsection 2, below, it is unlawful for any person to erect, construct, enlarge, move or convert any sign in the Municipality , or cause the same to be done, without first obtaining a sign permit for each such sign from the Zoning Administrator.

f. No new sign permit is required for signs which have previously been issued valid permits and which conform with the requirements of these regulations on the date of their adoption unless the sign is hereafter altered, relocated, or reinstalled.

g. Every sign permit issued shall become null and void if installation is not commenced within 180 days from the date of such permit.

(2) Exemptions. The following signs shall be exempt from the permit requirements of this Article, except as they may

interfere with traffic safety or in any other way become a public safety hazard:

a. Memorial plaques or historic markers or other similar signs which are engraved or permanent component of a building, monument, tombstone or other similar structure;

b. Signs erected by the Municipality;

c. Street number signs indicated the address of a building or structure;

d. Temporary signs, subject to the limitations in Table 1 and provided that:

   (i) no temporary sign encroaches into any public right-of-way or obstructs the view of motorists in any required clear sight triangle;

   (ii) no temporary sign is erected more than 7 days before or remains in place more than 7 days after the advertised event, with the exception of real estate signs, which shall be removed 7 days after sale or rent;

e. Pennants for model homes;

f. "No trespassing" signs, warning signs (such as "Beware of Dog"), notification signs for emergency personnel, provided that the sign does not exceed two (2) square feet in sign surface area and there are no more than two (2) such signs on the lot;

g. Signs announcing candidates seeking public political office, provided that such signs are not displayed more than 30 days prior to and seven (7) days after the election for which they are intended; and

h. Vehicle signs.

(3) Sign Height. The height of a sign shall be measured from the ground elevation nearest to the sign to the highest elevation of the sign. Signs shall not exceed the height limits in Table 1, but in no event shall any portion of any sign exceed the height limit established for structures in the applicable zoning district, or the lowest point of the roof line of an existing principal building within 100 feet of the sign, whichever is lower.

(4) Sign Placement. Signs shall be subject to the placement requirements in Table 1, but in no event shall any sign be placed in a position that will obstruct the view of motorists or cause any other danger to motorists or pedestrians within a public right-of-way or on adjoining lots. Nor shall any sign be placed within the clear sight triangle required to be maintained at all street intersections, driveway and accessway entrances onto public streets.

(5) Maintenance. All signs shall be constructed of durable materials and shall be kept in good repair at all times. All parts and supports shall be painted or maintained as necessary to prevent rusting, rotting, illegibility, or other determination. All broken or missing parts shall be promptly replaced. All seams between panels or other components of the sign shall be maintained in a sealed condition. If a sign is damaged, destroyed or becomes dilapidated to the extent of fifty (50%) percent or more of its replacement value (based on current costs), the Municipality may remove the sign at the expense of the owner of the sign or the owner of the property on which it is located.

(6) Prohibited Signs. Except as specifically provided otherwise in this Section, the following signs shall be strictly prohibited in all zoning districts:

a. Streamers, posters, ribbons, light strings, light bulbs, light bands, spinners, attention-getting devices that move, except for temporary signs that are subject to the regulations set forth in Section C(2)d. & Table 1 of this Article;

b. Signs which exhibit changing natural or artificial light or color effects and signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street or a private residence;

c. Blinking, electronic or flashing signs except time, temperature and date signs;

d. Portable signs;

e. Roof signs or any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building; whichever forms the top line of the building silhouette;

f. Signs attached to trees, fences, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities;

g. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle except where such sign is accessory to a parking area and gives directions or instructions to drivers and pedestrians;

h. Signs which move, rotate, change position, have moving parts, or create the illusion of movement, whether the movement is caused by the wind or mechanically, except for the rotation of barber poles and permissible changeable copy signs;

i. Signs in public rights-of-way which are not public signs;

j. Signs which are abandoned or defunct, including the posts or other supports therefor, that advertise or identify an activity, business product or service that is no longer conducted or available on the premise where such sign is located;

k. Signs which do not meet the standards of, or which otherwise violate, the Pennsylvania Outdoor Advertising Control Act; and

l. Signs which the Zoning Administrator determines to be unsafe or insecure, or that is erected in violation of the provisions of this Article.

D. Signs Permitted in Individual Zoning Districts. The signs listed in Table 1 shall be permitted in individual zoning districts, subject to any requirements listed in the Table and in each Subsection.

TABLE 1 Type of Sign	Type of Zoning District Residential	Commercial	Manufacturing
Attention-getting device			
Permitted	No	No	No
Billboard			
Permitted	No	See Sec.E	
Maximum Number	--	See Sec.E	
Maximum Surface Area	--	See Sec.E	
Maximum Height	--	See Sec.E	
Maximum Length	--	See Sec.E	
Minimum Setback		See Sec.E	
Canopy or Awning Sign			
Permitted	No	Yes	Yes
Maximum Letter Size	--	6 inches	6 inches
Changeable Copy Sign			
Permitted	No	Yes	Gas Stations Only
Festoon Lighting			
Permitted	No	No	No
Free-standing Sign			
Permitted	Yes	Yes	Yes
Maximum Number	One per lot or parcel - all districts		
Maximum Surface Area	15 sq. ft.	72 sq. ft.	72 sq. ft.
Maximum Height	5 ft.	8 ft.	8 ft.
Maximum Length	4 ft.	10 ft.	10 ft.
Minimum Setback from Property Line	5 ft.	5 ft.	5 ft.
Historic Markers	E	E	E
Illuminated Sign		See Sec. H	
External Permitted	No	Yes	Yes
Internal Permitted	No	Yes	Yes
Memorial Plaques	E	E	E

E-Exempt, subject to Section C.(2)

TABLE 1 (cont'd) Type of Sign	Type of Zoning District Residential	Commercial	Manufacturing
Official Government Sign	E	E	E
Portable Sign			
Permitted	No	No	No
Roof Sign			
Permitted	No	No	No
Street Number Sign	E	E	E
Suspended/Projecting Sign			
Permitted	No	Yes	Yes
Maximum Surface Area	--	6 ft.	6 ft.
Minimum Clearance above Ground or Sidewalk	--	9 ft.	9 ft.
Maximum Height of Sign Surface	--	3 ft.	3 ft.
Maximum Number	--	1 per establishment	
Minimum Spacing Between Signs	--	20 ft.	20 ft.
Setback	--	Building Setback Minus 4 feet	
Temporary Sign			
Permitted	Yes	Yes	Yes
Maximum Number	2 per lot	1 per store	2 per lot
Maximum Surface Area	6 sq. ft.	16 sq. ft.	16 sq. ft.
Maximum Height	4 ft.	4 ft.	4 ft.
Illumination	No	No	No
Placement	See Sec. C.(2)d.		
Time Limit	See Sec. C.(2)d. and g.		
Vehicle Sign	E	E	E
Wall Sign			
Permitted	No	Yes	Yes
Maximum Number	--	1 per lot or establishment	
Maximum Surface Area	--	See Sec. J(3)	
Maximum Height	--	See Sec. J(5)	
Maximum Length	--		
Minimum Spacing Between Signs	--	None	None
Setback	--	Same as Building Setback	
Window Sign			
Permitted	No	Yes	Yes
Maximum Surface Area	--	See Sec. K	

E-Exempt, subject to Section C.(2)

E. Additional Standards for Billboards or Outdoor Advertising. In addition to the regulations in Table 1, all new billboards or outdoor advertising structures shall comply with the following limitations and requirements:

(1) Billboards or other outdoor advertising structures may be allowed within commercial or industrial districts only, except they shall be prohibited within the following portions of such districts:

a.(i) Within 660 feet of the right of way of an interstate, primary or federal-aid highway;

(ii) Within 20 feet of the right of way of any other highway.

b.(i) On any property occupied by, or located immediately adjacent to, a public or private school, playground or recreation center or community center;

(ii) Within 500 feet of the property line of any public or private school property.

c. No billboard or advertising structure may be placed within 1500 feet of any other billboard or advertising structure located within the Municipality, or, within 200 feet of any residential district zone line. If a billboard faces a residential district, the minimum distance shall be increased to 300 feet. Official government signs, owned and maintained by a governmental entity, shall not be counted nor shall measurements be made from them for purposes of determining spacing requirements. The distance between sign structures shall be measured along the pavement between points directly opposite the signs along both sides of the roadway.

d. References to residential lines and school property lines shall include properties in abutting municipalities.

e. Advertising Signs may not be mounted on the roof, wall or other part of a building or any other structure.

(2) The following standards shall apply to Billboards or Outdoor Advertising:

a. Size: A Billboard shall have a maximum allowable Sign Surface Area as follows:

Minimum Distance of Sign from Road Right-of-Way Line	Maximum Sign Size
20 feet to 250 feet	150 square feet
250 feet to 350 feet	250 square feet
350 feet or more	350 square feet

b. A Billboard structure may have sign faces placed back to back or in a V-shaped configuration on a single Billboard structure.

c. The dimensions of the Sign Face of a Billboard shall not exceed 15 feet in total height or 25 feet in total length.

d. An Advertising Sign structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 35 feet.

e. The minimum front, size, and rear yard requirements applying to a principal use as set forth within a zoning district in which the Billboard is to be located shall apply to each Billboard structure.

f. The maximum lot coverage as specified in the zoning district in which the Billboard is to be located shall apply to any lot upon which a billboard structure is located and shall be cumulative including any other structures and buildings on the same lot therewith.

g. No Billboard shall be erected in such a manner as to block the view from the road or street, of any existing business sign, logo sign, residential or non-residential structure or limit or reduce the light and ventilation requirements under the Municipal Building Code.

(3) Lighting of signs shall be subject to the general standards for illuminated signs in Section H, below.

(4) The Municipal Ordinance Enforcement Officer shall issue a license tag for each billboard, containing a license number readable from the ground. The Ordinance Enforcement Officer shall inspect each billboard annually, and if it complies with requirements of this Section and Table 1, shall issue a renewal sticker to be affixed to the license tag. Renewal sticker colors shall be changed each year to simplify visual inspection.

(5) When approval for placement of a billboard is required by any agency of the federal, Commonwealth or county government and approval is granted by the Municipality for a billboard, a Temporary Building Permit may be granted, conditioned upon approval of the other government agency. If the holder of the Temporary Building Permit fails to submit evidence of the required approval by such agency within 30 days, the Temporary Building Permit shall be revoked by the Municipal Building Inspector who shall provide written notice to the applicant.

(6) Construction Methods. Billboard shall be constructed in accordance with the applicable provisions of the Municipal Building Code. In addition:

a. An Advertising Sign structure shall have a maximum of one vertical support being a maximum of four feet in diameter or width and without bracing or vertical supports;

b. An Advertising Sign Face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion;

c. The one vertical support shall be capable of enabling the entire Sign Face to be able to withstand a minimum eighty (80) mile per wind load. The Applicant shall provide a certificate by a registered engineer or architect certifying to the compliance with this subsection.

d. The entire base of the Advertising Sign structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such a manner as to screen the foundation of the structure;

e. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices;

f. Permanent landscaping shall form a base and/or backdrop to the billboard sign when practical in the opinion of the Zoning Officer;

g. All curbs and grading shall be in accordance with Municipal Ordinances;

h. No bare cuts are permitted on a hillside;

i. All cuts or fills are to be permanently seeded or planted.

F. Additional Standards for Canopy and Awning Signs. In addition to the regulations in Table 1, letters or characters of the sign shall appear only on the apron of the canopy or awning.

G. Additional Standards for Free-Standing Signs. In addition to the regulations in Table 1, all free-standing signs, except for temporary signs, shall comply with the following limitations and requirements:

(1) A free-standing sign shall have no more than two sign faces;

(2) The area immediately surrounding the base and support structure of the sign shall be landscaped with evergreen vegetation; and

(3) Freestanding ground signs are preferred and shall be used instead of pole signs to the maximum extent practicable or feasible.

H. Additional Standards for Illuminated Signs. In addition to the regulations in Table 1, all internally or externally illuminated signs shall meet the following requirements:

(1) Limits on Degree of Internal Illumination: Any sign located adjacent to a dwelling unit or lot zoned for residential use shall be located, shielded and screened to prevent direct light or glare onto a dwelling unit or residential lot.

(2) External Illumination: Whenever external illumination is used for a sign, the source of light shall be located, shielded, screened and directed in such a manner that the light source is not visible.

(3) Hours of Illumination: No sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m., unless the establishment displaying the sign is open for business during those hours.

(4) Illuminated Signs shall be subject to and comply with Ordinance 823, §715.

I. Additional Standards for Suspended Signs. In addition to the regulations in Table 1, all suspended signs shall comply with the following limitations and requirements:

(1) The sign shall be located in front of the establishment it serves and shall be of similar size, color and design as other suspended signs; and

(2) There shall be no more than one (1) such sign per establishment fronting on the marquee, overhang, or other building feature from which the sign is suspended.

J. Additional Standards for Wall Signs. In addition to the regulations in Table 1, all wall signs shall comply with the following limitations and requirements:

(1) The sign shall extend no further than twelve inches (12") from the wall to which it is attached;

(2) The sign shall be attached to the wall so that the face of the sign is substantially parallel to the wall;

(3) The maximum sign area shall be 7.5% of the area of the first two (2) stories of building elevation on which it is placed, or in the case of a multi-tenant retail commercial building or multi-owner office condominium, each tenant or owner may have a sign area not to exceed 7.5% of the area of its leased exterior storefront;

(4) No message shall appear on that portion of the sign which extends the sign from the wall, except for the electrical permit information that may be required under the Municipal Building Code; and

(5) Wall signs shall be no higher than the height of the building and if the sign projects further than three inches (3") from the wall, no lower than ten feet (10') above the ground level.

K. Additional Standards for Window Signs. In addition to the regulations in Table 1, all window signs shall comply with the following limitations and requirements. The total area of all window signs on display at any one time, including temporary window promotional signs, shall not exceed thirty-three percent (33%) of the total area of the window in which they are located. A series of windows which are separated by frames less than six inches (6") in width shall be considered as a single window for the purposes of this computation.

L. Special Standards for Shopping Centers and Other Multi-Occupant Land Uses.

(1) No sign permit shall be issued for a shopping center or other multi-occupant land use, or for any individual establishment or

occupant therein, unless a uniform sign plan has been submitted and approved for the entire development.

(2) The Zoning Administrator shall approve the uniform sign plan only upon finding that:

a. The sizes of signs and the materials used in the signs shall be consistent throughout the property, or shall establish a hierarchy of different types of signs, with the size and materials of the signs in each category being consistent for all signs in that category;

b. The design of and materials used for the structural elements of the signs shall be consistent with the design of and materials used for the building or buildings which the signs serve; and

c. The signs shall conform to all other requirements of this Article.

d. The sign plan has been reviewed by a qualified municipal consultant.

P. Special Sign Standards for Gas Stations. In addition to other signs permitted under this Article, automobile service stations may erect changeable copy signs advertising the prices of different grades of gasoline or other fuels, provided that:

a. Such signs are permanently mounted either to the fuel pumps or to the supports of a canopy covering the fuel pumps;

b. Such signs shall not be erected higher than twelve feet (12') above the ground;

c. There shall be no more than four (4) sign faces per pump island;

d. The combined surface area of all such signs at each pump island does not exceed twenty-four (24) square feet; and

e. Such signs shall not be internally illuminated.

Q. Nonconforming Signs. Any nonconforming sign may be continued only as provided in this Section.

(1) Normal maintenance of a nonconforming sign may occur, including any necessary repairs and alterations which do not enlarge, extend, or intensify the nonconformity.

(2) No structural alteration, enlargement, or extension shall be made of a nonconforming sign, except when the alteration is required by law or will eliminate the nonconforming condition.

(3) No conforming sign shall be erected on the same premises as an existing nonconforming sign until the nonconforming sign has been removed or changed to a conforming sign. However, for multi-occupant land uses, the fact that one particular establishment therein has a nonconforming sign will not prohibit a different establishment therein from erecting a conforming sign on the same premises.

(4) A nonconforming sign shall be made to conform with the requirements of this Article whenever there is a change in the use or occupancy of the building which the sign serves, or whenever the building or structure which the sign serves is externally expanded or remodeled.

(5) Whenever the use of a nonconforming sign, or the use which the sign serves, has been abandoned for a period of six (6) consecutive months, the sign thereafter shall be made to conform with the provisions of this Article. Non-use for a period of six (6) months shall create a presumption of abandonment.

(6) If a nonconforming sign is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at the time of the damage or destruction (based on prevailing costs), then the sign thereafter shall be made to conform to the provisions of this Article. However, if the damage or destruction is less than fifty percent (50%) of the replacement value, then the sign may thereafter be restored to its original condition. In either event, restoration or repair of the sign must begin within six (6) months after the date of damage or destruction and diligently pursued to completion, and the repaired or reconstructed sign shall be made to conform to the [Municipal] Building Code and [Municipal] Electrical Code in force at the time of the repair or reconstruction.

(7) Any sign that was not previously approved by Municipality and that does not conform to these regulations (illegal signs) shall be immediately removed at the expense of the owner.

Section 3. If any section or specific provision or standard of these regulations that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, or standard of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Section 4. This Ordinance shall be effective upon its adoption in accordance with applicable law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 8th day of March, 1993.

TOWNSHIP OF WILKINS

By Victor A. Dinger
President of the Board of Commissioners

ATTEST:

Assistant Secretary

ORDINANCE NO. 835

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 BY RE-ZONING CERTAIN PROPERTY FROM ZONING DISTRICT RESIDENTIAL 3 TO ZONING DISTRICT COMMERCIAL AND AMENDING SECTION 304.1 THEREOF TO PROVIDE FOR PARKING REGULATIONS IN CONNECTION WITH A SINGLE UNIT RETAIL FACILITY.

The Township of Wilkins Ordains as Follows:

SECTION I. The Wilkins Township Zoning Map, adopted as part of Ordinance No. 542, is hereby amended to re-zone the following parcels of land from Zoning District Residential 3 to Commercial:

ALL those certain lots of pieces of ground situate in the Township of Wilkins, Allegheny County, Commonwealth of Pennsylvania, being more particularly bounded and described as follows:

Parcel A. BEGINNING at a point that is located at the southeast corner of Lot 19 in the Crestmont Plan of Lots as recorded in Plan Book Volume 79, pages 184-187 in the Recorder of Deeds of Allegheny County, Pennsylvania, said point being on the northerly boundary of lands of Wilkins G.P.; thence along the easterly boundary of the Crestmont Plan of Lots in a northeasterly direction N. 29° 45' 37" E., 265.89 feet to a point; thence along the Crestmont Plan No. 9 as recorded in Plan Book Volume 67, pages 46-49 in the Recorder of Deeds of Allegheny County, Pennsylvania, in a southeasterly direction S. 34° 46' 02" E. 498.495 feet to a corner common to Wilkins G.P. and Lot 62 in the Crestmont Plan No. 9; thence through lands of Wilkins G.P., N. 66° 46' 04" W. 452.97 feet to the point of beginning. Containing 1.37 Acres.

Parcel B. BEGINNING at a point at the southeast corner of Lot 62 in the Crestmont Plan No. 9 as recorded in Plan Book Volume 67, Pages 46-49, in the Recorder of Deeds of Allegheny County, Pennsylvania, said point being on the northerly boundary of lands of Wilkins G.P.; thence along the Crestmont Plan No. 9 the following courses and distances: N. 55° 13' 58" E. 285 feet to a point; thence S. 34° 46' 02" E., 60 feet to a point; thence by a line curving to the right having a radius of 825 feet and an arc distance of 341.865 feet to a point at the southwest corner of Lot 40 and the northwest corner of Lot 39 in said plan; thence through lands of Wilkins G.P. N. 63° 31' 13" W., 447.32 feet to the point of beginning. Containing 1.42 Acres.

SECTION II. Section 304.1 of Ordinance No. 542 is hereby amended by adding to the Table of Uses and Parking Spaces Required, the following:

Use	Parking Space Required
Single Unit Retail Facility	Five for every 1,000 square feet of public floor space.

A single unit retail facility is defined as one retail store consisting of one building and parking facilities situate on not less than fifteen acres of land held in single ownership.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 28th day of June, 1993.

TOWNSHIP OF WILKINS

By Victor A. Dinzeo

Victor A. Dinzeo
President
Board of Commissioners

ATTEST:

Gerald S. Patterson, Jr.

Gerald S. Patterson, Jr.
Assistant Secretary