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ORDINANCE NO. 836

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 801 BY PROHIBITING
ANIMALS WITHIN THE TOWNSHIP PARKS AND
OTHER PROPERTY

The Township of Wilkins Ordains as follows:

Section XXII of Ordinance No. 801 is repealed and reenacted to provide as follows:

Section XXII: Dogs and Cats

No person shall bring into or keep in any Township Park or in the Municipal Building or its appurtenant property any animal, reptile or bird.

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

MNB050

ORDINANCE NO. 837

AN ORDINANCE OF THE TOWNSHIP OF WILKINS LEVYING ASSESSMENTS AS CERTIFIED BY THE TOWNSHIP ENGINEER AGAINST LOTS BENEFITTED, IMPROVED OR ACCOMMODATED BY SANITARY SEWERS CONSTRUCTED IN THE LEAX LANE SANITARY SEWER DISTRICT AND PROVIDING FOR NOTICE AND COLLECTION OS SAID ASSESSMENTS.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 837 in the following form:

MNB050

ORDINANCE NO. 837

AN ORDINANCE OF THE TOWNSHIP OF WILKINS LEVYING ASSESSMENTS AS CERTIFIED BY THE TOWNSHIP ENGINEER AGAINST LOTS BENEFITTED, IMPROVED OR ACCOMMODATED BY SANITARY SEWERS CONSTRUCTED IN THE LEAX LANE SANITARY SEWER DISTRICT AND PROVIDING FOR NOTICE AND COLLECTION OF SAID ASSESSMENTS.

WHEREAS, the Township of Wilkins adopted Ordinance No. 828 on October 26, 1992 authorizing construction of sanitary sewers in the Leax Lane Sanitary Sewer District; and

WHEREAS, the project was completed on the 18th day of June, 1993 as certified by the Township Engineer.

NOW THEREFORE, the Township of Wilkins Ordains as Follows:

SECTION I. Each lot in the Leax Lane 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 benefitted, 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 benefitted or improved in an amount in excess of seventy-five (75%) percent of the total project cost and expense divided by the number of assessable zoning lots.

SECTION IV. 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 V. 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 VI. The funds received from the Allegheny County Department of Development shall not be included in calculating the costs and expenses to be assessed.

SECTION VII. 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 VIII. 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 1992 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) 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 IX. Low and moderate income household as established by the Department of Housing and Urban Development, effective May 5, 1993, and for purposes of this Ordinance shall be as follows:

1 Person	20,550.00
2 Persons	23,500.00
3 Persons	26,400.00
4 Persons	29,350.00
5 Persons	31,700.00
6 Persons	34,050.00
7 Persons	36,400.00
8 Persons	38,750.00

SECTION X. 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 August 9, 1993.

ATTEST:

Gerald Patterson
Assistant Secretary

THE TOWNSHIP OF WILKINS

By Victor A. Dinsey
President of the Board of Commissioners

TOWNSHIP OF WILKINS
ENGINEER'S ASSESSMENT SCHEDULE
LEAX LANE SANITARY SEWER

Under and by virtue of Ordinance No. 828, Ordinance No. ____ 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 Leax Lane Sanitary Sewer District.

Advertising, Printing and Legal Fees/Rights-of-Way	$ 2,103.53
Engineering and Inspection	$ 18,225.20
Construction Costs ($92,675.00 Bid)	$ 91,465.00
Total - Project cost and expense assessed against properties benefitted	$ 111,793.73
Less Community Development Grant	$(57,343.02)
Net Adjusted Project Cost	$ 54,450.71
Township share of net adjusted project cost (25%)	$ 13,612.68
Assessed share of net adjusted project cost (75%)	$ 40,838.03
Total assessable footage of properties on said improvements	1,506.58 feet
The cost per foot assessed against properties benefitted (Basis $40,838.03)	$ 27.10645

Date of Project Completion May 18, 1993

William S. McKeever, Jr., P.E.
Vice President
PA 023361-E

S E A L

408.DOC

Wilkins Township – Leax Lane – Assessment Table					
V No.	Property Owner	Lot & Block	Footage	Assessment (Footage x Cost/Ft)	Connect Fee
1	Lawson Realty Co.	372–M–250	233.61	$6,332.34	$150.00
2	Deemer, William P. & Tamela A.	372–M–20	175.00	$4,743.63	$150.00
3	Thomas, Kenneth R. & Emily F.	372–M–15	85.02	$2,304.59	$150.00
4	Metzler, Douglas P. & Charlotte A.	372–M–10	156.43	$4,240.26	$150.00
5	Wilson, Jay B. & Jennifer	372–H–15	0.00	$0.00	$150.00
6	Ross, Glendon A. & Geraldine K.	372–H–10	251.57	$6,819.17	$150.00
7	Cratsley, Herbert W. & Maria	372–H–20	202.61	$5,492.04	$150.00
8	English, Dennis & Denise	453–E–323	25.00	$677.66	$150.00
9	English, Dennis & Denise	453–E–325	38.19	$1,035.20	$150.00
10	Edgewood Country Club	453–J–40	138.08	$3,742.86	$150.00
11	Romano, Kenneth	453–J–10	201.07	$5,450.29	$150.00
12	Ross, Glendon A. & Geraldine K. (1)	372–M–4	0.00	$0.00	$0.00
13	Leax, Henry G. & Alberta (1)	372–M–6	0.00	$0.00	$0.00
	TOTAL		1506.58	$40,838.03	

(1) Non–buildable lot

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 9th day of August, 1993.

TOWNSHIP OF WILKINS

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

ATTEST:

Gerald S. Patterson, Jr.
Assistant Secretary

MNB050

MNB050

ORDINANCE NO. 838

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 837
PROVIDING FOR INSTALLMENT PAYMENTS
ON ASSESSMENTS

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. The assessments made by Ordinance No. 837 assessing the owners of property in the Leax Lane sewer district shall be, at the option of the property owners, payable in four equal quarterly installments, beginning December 1, 1993 without interest.

SECTION II. On and after December 1, 1994, interest on any unpaid balance of any assessment shall be paid at the rate of 12% 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 12% 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 September, 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

ORDINANCE NO. 839

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN TOWNSHIP STREETS AND PRIVATE PROPERTY, DESIGNATING THE PROJECT AS THE CHURCHILL ROAD 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 Churchill Road and George Lane and through private properties, a distance of approximately Five Thousand Six Hundred Feet (5,600) 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 for collection of the costs and expenses of the project.

SECTION 5.
The sanitary sewer project herein authorized shall be known as and is hereby designated as the Churchill Road 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 11th day of October 1993.

ATTEST: _____
Assistant Secretary

TOWNSHIP OF WILKINS
By _____
President, Board of Commissioners

MNR050

ORDINANCE NO. 840

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN TOWNSHIP STREETS AND PRIVATE PROPERTY, DESIGNATING THE PROJECT AS THE UPPER GARDENIA 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 Gardenia Drive and through private properties, a distance of approximately One Thousand Two Hundred Fifty Feet (1,250) 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 for collection of the costs and expenses of the project.

SECTION 5.
The sanitary sewer project herein authorized shall be known as and is hereby designated as the Upper Gardenia 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 11th day of October 1993.

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS
By

President, Board of Commissioners

MNB050

ORDINANCE NO. 841

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN TOWNSHIP STREETS AND PRIVATE PROPERTY, DESIGNATING THE PROJECT AS THE BROWN AVENUE 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 Russell Lane and private properties known as Free, Ballant and Strally Lanes, a distance of approximately Two Thousand Two Hundred Feet (2,200) 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.

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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 for collection of the costs and expenses of the project.

SECTION 5.
The sanitary sewer project herein authorized shall be known as and is hereby designated as the Brown Avenue 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 11th day of October 1993.

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS
By

President, Board of Commissioners

ORDINANCE NO. 842

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN TOWNSHIP STREETS AND PRIVATE PROPERTY, DESIGNATING THE PROJECT AS THE WASHINGTON AVENUE 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 Spur Street, Beaver Street, Beech Street, Hazel Street, Montgomery Street and portions of Washington Avenue and Mortimer Avenue and through private properties, a distance of approximately Three Thousand Nine Hundred Feet (3,900) 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.

MNB050

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 for collection of the costs and expenses of the project.

SECTION 5.
The sanitary sewer project herein authorized shall be known as and is hereby designated as the Washington Avenue 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 11th day of October 1993.

ATTEST: Joseph Hallerson Jr.
Assistant Secretary

TOWNSHIP OF WILKINS
By Victor A. Dongello
President, Board of Commissioners

ORDINANCE NO. 843

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN TOWNSHIP STREETS AND PRIVATE PROPERTY, DESIGNATING THE PROJECT AS THE GRANDVIEW AVENUE 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 Grandview Avenue, Quarry Street and Crestvue Avenue and through private properties, a distance of approximately Two Thousand Two Hundred Feet (2,200) 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 for collection of the costs and expenses of the project.

SECTION 5.
The sanitary sewer project herein authorized shall be known as and is hereby designated as the Grandview Avenue 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 11th day of October 1993.

ATTEST:
Assistant Secretary

TOWNSHIP OF WILKINS
By
President, Board of Commissioners

MNB050

MNB050

ORDINANCE NO. 844

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 $49,376. effective January 1, 1994 and $51,598. effective January 1, 1995.

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 27th day of December, 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

TOWNSHIP OF WILKINS

ORDINANCE NO. 845

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 AND PROVIDING FOR ACQUISITION BY EMINENT DOMAIN FOR THE SAME PURPOSE CERTAIN PROPERTIES IN FEE SIMPLE.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

MNB050

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 in the Washington Avenue Sanitary Sewer Project ordained by Ordinance No. 842.

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 VOLUME & PAGE	
Eugene Aiello and Bethia Aiello, his wife	454-J-76	4974	309
East Boroughs Company	373-M-150	4047	013
Charles Eugene Edwards and Carol Ann Edwards, his wife	454-N-189	5679	885
Lincoln J. Gruber and Gertrude J. Gruber, his wife	454-N-252	3350	153
Frank M. Haenel	454-J-124	8477	377
Alma L. Jaynes	454-J-162	4513	348
Sarah Jean Kelly	454-J-153	7170	96
Archie McGhee and Evelyn M. McGhee, his wife, and Harvey Taylor and Lena Taylor, his wife	454-N-77	3680	257
Joseph L. Ortenzo	454-N-180	8825	124
George Seath and Robert Seath	454-J-73	2830	583
Harvey Taylor	454-J-300	5355	261
Joseph Tutich and Anna Tutich, his wife, with notice to Donald Cochrane and Diane Cochrane, terre tenants or equitable owners	454-N-146	2690	587
William Wilson and Anna Hill Wilson, his wife	454-N-178	2199	472

SECTION 3. The Township hereby appropriates and takes a fee simple title in the whole of the properties hereinafter described for the purposes of construction of said Washington Avenue Sanitary Sewer Project.

OWNER	DEED REGISTRY BLOCK & LOT	DEED BOOK VOLUME & PAGE	
David Abrams and Ira R. Mazer	454-J-120	6578	412
George Beda	454-N-179	1374	469
Edward J. Butler	454-N-60	3680	253
Edward J. Butler	454-N-156	3680	253
Edward J. Butler	455-A-138	3680	253
Mary Ann Mehalko	455-A-127	1913	538
George W. Soles and Georgetta Soles, his wife	454-N-182	1646	391

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SECTION 4. Plans prepared by the Township Engineer, showing the exact location of the easements and fee simple properties aforesaid are adopted as a part of this Ordinance and are on file in the Office of the Township Secretary, where same may be examined by any interested person.

SECTION 5. The proper Township agents and employees shall attempt to obtain the necessary easements by gift or purchase upon terms and conditions approved by the Board of Commissioners.

SECTION 6. 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 27th day of December, 1993.

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS

By

President of the Board of Commissioners

MNB050

TOWNSHIP OF WILKINS

ORDINANCE NO. 846

AN ORDINANCE OF THE TOWNSHIP OF WILKINS FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 1994

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 1994 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 27th day of December, 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

ORDINANCE NO. 847

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 1994.

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

SECTION 1: That the expenditures and expenses of the fiscal year 1994 the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the year 1994 for the specific purposes as set forth:

MNB050

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.	2,072,814.	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	2,072,814.	9
	Revenues and Other Financing Sources		10
300	Taxes (from Schedule C)	2,258,079.	11
320	Licenses and Permits	51,900.	12
330	Fines and Forfeits	22,700.	13
340	Interest, Rents, and Royalties	140,794.	14
350	Intergovernmental Revenue	246,781.	15
360	Charges for Services (Departmental Earnings)	542,040	16
380	Miscellaneous Revenues	47,305.	17
390	Other Financing Sources	610,816.	18
	Total Revenues and Other Financing Sources (sum of lines 11 thru 18)	3,920,415.	19
	Total Available for Appropriation (sum of lines 9 and 19)	5,993,229.	20
	Expenditures or Expenses and Other Financing Uses		21
400	General Government	397,410.	22
410	Public Safety (Protection to Persons and Property)	1,199,617.	23
420	Health and Welfare		24
	Public Works—		25
426	Sanitation	778,272.	26
430	Highways, Roads, and Streets	693,810.	27
440	Other		28
450	Culture—Recreation	35,633.	29
460	Conservation and Development		30
470	Debt Service	672,468.	31
480	Miscellaneous Expenditures or Expenses	3,000.	32
490	Other Financing Uses	141,416.	33
	Total Expenditures or Expenses and Other Financing Uses (sum of lines 22 thru 33)	3,921,626.	34
	Assets - December 31	2,071,603.	35
	Less Liabilities - December 31		36
	Less Reserves - December 31	2,071,603.	37
	Unappropriated Fund Equity (line 35 less lines 36 and 37)		38
	Total Appropriated and Unappropriated (sum of lines 34 and 38)	3,921,626.	39

BUDGET SUMMARY—ALL BUDGETED FUNDS

Line No.	GOVERNMENTAL FUNDS					08	60 62
		SPECIAL REVENUE FUNDS			18 19		
	General Fund (1)	Highway Aid Fund (35)	Revenue Sharing Fund (85)	Other Special Revenue Funds (02-05)	Other Governmental Funds 20 30	Proprietary Funds (06-09)	Fiduciary Funds (50-69)
1							
2	80,000.	404		8,800.	36,684.	140,0000	1,806,926.
3							
4							
5							
6							
7							
8							
9	80,000.	404		8,800.	36,684.	140,000.	1,806,926.
10							
11	2,258,079.						
12	51,900.						
13	22,700.						
14	16,957.	400		400	1,037.	1,000.	121,000.
15	149,530.	97,251.					
16	51,400.				9,600.	481,040.	
17	10,500.			15,000.			21,805.
18	382,500.				135,416.		92,900.
19	2,943,566.	97,651.		15 400.	146,053.	482,040.	235,705.
20	3,023,566.	98,055.		24,200.	182,737.	622,040.	2,042,631.
21							
22	330, 403.			19,200.	47,807.		
23	1,104,567.				35,462.		59,588.
24							
25							
26	244,792.					533,480.	
27	595,755.	98,055.					
28							
29	15,633.			5,000.	15,000.		
30							
31	588,000.				84,468.		
32	3,000.						
33	141,416.						
34	3,023,566.	98,055.		24,200.	182,737.	533,480.	59,588.
35						88,560.	1,983,043.
36							
37						88,560.	1,983,043.
38						-0-	-0-
39	3,023,566.	98,055.		24,200.	182,737.	533,480.	59,588.

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SECTION 11: 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 27th day of December, 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

ORDINANCE NO. 848

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING A MUNICIPAL POLICE COOPERATIVE AGREEMENT WITH OTHER SIGNATORY MUNICIPALITIES TO ENFORCE NARCOTICS AND ILLEGAL DRUG LAWS AND THEREBY TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY: AND TO APPROVE AN AGREEMENT WITH THE OFFICE OF ATTORNEY GENERAL.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 848 in the following form:

MNB050

WILKINS TOWNSHIP
ALLEGHENY COUNTY
PENNSYLVANIA

Ordinance No. 848

AN ORDINANCE OF WILKINS TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING A MUNICIPAL POLICE COOPERATIVE AGREEMENT WITH OTHER SIGNATORY MUNICIPALITIES TO ENFORCE NARCOTICS AND ILLEGAL DRUG LAWS AND THEREBY TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY; AND TO APPROVE AN AGREEMENT WITH THE OFFICE OF ATTORNEY GENERAL

PREAMBLE

WHEREAS, Wilkins Township, Allegheny County, Pennsylvania, acting pursuant to the Intergovernmental Cooperation Act, Act of July 12, 1972, Act No. 180, 53 P.S. § 481 et seq., as amended desires to enter into a Municipal Police Cooperative Agreement (hereafter referred to as "Agreement") with other signatory municipalities to enforce narcotics and illegal drug laws and thereby promote the health, safety, and welfare of the community; and

WHEREAS, the Wilkins Township desires to enter into a Municipal Drug Task Force Agreement with the Pennsylvania Office of Attorney General and municipalities, which may from time to time take part; and

WHEREAS, these Agreements are authorized and predicated upon the 1st Class Township Code, the Act referred to above and the Municipal Police Jurisdiction Act, 53 P.S. § 8951 et seq.; and

WHEREAS, the purposes and objectives of the Agreements are to foster increased cooperation among the various signatory municipalities, to improve drug law enforcement throughout the signatory municipalities, and to enhance the skill and professionalism of police officers from each of the signatory municipalities by, among other things, conferring authority upon police officers to exercise official duties in other municipalities thereby reducing the law enforcement problems relating to jurisdiction, territory, or boundary issues.

BE IT ORDAINED by the Board of Commissioners of Wilkins Township, Allegheny County, Pennsylvania, as follows:

SECTION 1

Wilkins Township has evidenced its intent to participate in the **TACTICAL NARCOTICS TASK FORCE** designed to combat the illegal

possession and trafficking of narcotics and other illegal or controlled drugs within its municipal boundaries as well as within the boundaries of other near or adjacent communities through cooperation with the Pennsylvania Office of Attorney General and other signatory municipalities.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

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

SECTION 8

The entity created by this Ordinance shall be empowered to enter into contracts for policies of group life insurance and employee benefits, including social security, for its employees.

SECTION 9

This Ordinance shall become effective upon the execution of the Agreements.

SECTION 10

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

ENACTED and ORDAINED this 7 th day of March, 1994

Wilkins Township

BY: Michael J. Madden
President

(SEAL)
ATTEST:

BY: Joel Stanton
Secretary

ORDINANCE NO. 849

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING CABLE TELEVISION: ESTABLISHING ADMINISTRATIVE, ENFORCEMENT AND RATE REGULATION PROCEDURES; REGULATING CUSTOMER SERVICE AND PRESCRIBING PENALTIES FOR VIOLATIONS

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 849 in the following form:

MNB050

TOWNSHIP OF WILKINS

ORDINANCE NO. 849

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING CABLE TELEVISION; ESTABLISHING ADMINISTRATIVE, ENFORCEMENT AND RATE REGULATION PROCEDURES; REGULATING CUSTOMER SERVICE AND PRESCRIBING PENALTIES FOR VIOLATIONS

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

A. PRELIMINARY PROVISIONS.

1. Short Title. This Ordinance shall be known and may be cited as the Township of Wilkins Cable Television Ordinance of 1994.

2. Prior Agreements. All franchise agreements between the Municipality and cable operators are abrogated to the extent, and only to the extent, inconsistent herewith, except to the extent abrogation is not required by the federal Cable Television Consumer Protection and Competition Act of 1992 or the regulations promulgated thereunder.

3. Purpose. The purpose of this Ordinance is to regulate cable television in the exercise of the power of the Governing Body to (1) regulate telephone, telegraph and electric power poles, and other obstructions erected upon or in the streets and roads of the Municipality, and (2) provide for the maintenance of peace, good government, safety and welfare of the Municipality, and its trade, commerce and manufactures.

4. Federal Law. This Ordinance is enacted under the

federal Cable Television Consumer Protection and Competition Act of 1992, which permits local franchising authorities to regulate cable television, subject to certain substantive and procedural limitations.

5. Interpretation. In interpreting and applying the provisions of this Ordinance, these provisions shall be construed broadly as required for the maintenance of peace, good government, safety and welfare of the Municipality, and its trade, commerce and manufactures.

6. Severability. It is the intent of the Governing Body of the Municipality that, if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

7. Conflict with Federal Law. It is the intent of the Governing Body that this Ordinance conform to the Federal Law. If a court of competent jurisdiction declares any provisions of this Ordinance to be in conflict with the Federal Law, the Federal Law will control and this Ordinance, to the extent that any provision is declared to be in conflict with the Federal Law, shall not apply.

8. Effective Date. This Ordinance shall become effective on the date it is enacted.

B. **DEFINITIONS.** As used in this Ordinance, the following terms shall have the following meanings:

"Associated Equipment" shall mean all equipment in a cable subscriber's home that is used to receive the basic service, regardless of whether such equipment is additionally used to receive other tiers of regulated programming service and/or unregulated service. Equipment shall include, but not be limited to, (a) converter boxes; (b) remote control units; (c) connections for additional television receivers; and (d) other cable home wiring.

"Basic service" shall mean, at a minimum, all signals of domestic television broadcast stations provided to any

subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system), any public, educational, and governmental programming required by the franchise to be carried on the basic tier, and any additional video programming signals or service added to the basic tier by the cable operator.

"Basic service rate" shall mean the rate charged by a cable operator for basic service, and associated equipment costs.

"Cable operator" shall mean any person or group of persons (a) that provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (b) who otherwise owns, controls or is responsible for, through any arrangement, the management and operation of a cable system.

"Cable service" shall mean (a) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (b) subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

"Cable system" shall mean a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but does not include (a) a facility that serves only to retransmit the television signals of one or more television broadcast stations, (b) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility uses any public right-of-way, (c) a facility of a common carrier except to the extent that such facility is used in the transmission of video programming directly to subscribers, or (d) any facilities of any electric utility used solely for operating its electric utility systems.

"Federal Law" shall mean the federal Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 and all regulations promulgated by the FCC thereunder, as any of the foregoing may be amended from time to time.

"FCC" shall mean the Federal Communications Commission.

"Governing Body" shall mean the Board of Commissioners of The Township of Wilkins.

"Municipality" shall mean the Township of Wilkins.

C. ADMINISTRATIVE PROVISIONS.

1. Appointment and Powers of Compliance Officer

a. For the administration of this Ordinance, a compliance officer, who shall not hold any elective office in the Municipality, shall be appointed by the Governing Body.

b. The compliance officer shall administer this Ordinance in accordance with its literal terms.

2. Duties of Compliance Officer. The compliance officer shall be responsible for:

a. taking such action on behalf of the Municipality as may from time to time be required to obtain or maintain the Municipality's certification to regulate basic service rates.

b. notifying all cable operators serving the Municipality when the Municipality has been certified by the FCC to regulate basic service rates.

c. notifying all cable operators serving the Municipality that the Municipality intends to enforce the minimum customer service standards established by the Federal Law.

d. making all filings required or permitted to be made to the FCC by the Municipality pursuant to the Federal Law, subject to oversight and control of the Governing Body.

e. receiving, filing in the public records of the Municipality, reviewing for completeness, and placing on the Governing Body's agenda for consideration, all submissions, petitions, and other filings required or permitted to be made to the Municipality pursuant to the Federal Law. All submissions, petitions, and other filings made to the Municipality pursuant to the Federal Law shall be made via first-class mail, postage pre-paid, to the following address: Attn: Cable Television Compliance Officer, Township of Wilkins, 110 Peffer Road, Turtle Creek, PA 15145.

f. receiving and transmitting to the proper officer of the Municipality any filing fees paid pursuant to this Ordinance. The filing fees shall be as follows: Five Hundred Dollars ($500.00) plus the Municipality's public notice costs for the initial filing of a schedule of rates by a cable operator, and Two Hundred Fifty Dollars ($250.00) plus the Municipality's public notice costs for any rate increase filing. These fees may be changed by resolution of the Governing Body.

g. enforcing the provisions of this Ordinance and all decisions of the Governing Body made hereunder to the fullest extent permitted by the Federal Law, subject to the oversight and control of the Governing Body.

h. taking such other actions as may be necessary from time to time, subject to the oversight and control of the Governing Body, to protect the right of the Municipality to regulate cable television to the fullest extent permitted by the Federal Law.

D. RATE REGULATION PROVISIONS.

1. Regulation of Basic Service Rates. The Governing body shall regulate basic service rates in accordance with the substantive and procedural provisions of the Federal Law and any applicable state law or regulations or local ordinances.

a. Duties of Cable Operators.

(1) Within thirty (30) days of receiving written notification from the Municipality that the Municipality has been certified by

the FCC to regulate rates for the basic service, a cable operator shall file its schedule of rates for the basic service and associated equipment with the Municipality, together with the fee specified by Section C.2.f.

(2) At least thirty (30) days prior to increasing its rates for the basic service, a cable operator shall notify each subscriber of the proposed rate increase and shall file a notice of its proposed rate increase with the Municipality, together with the fee specified by Section C.2.f.

(3) Within twenty (20) days of filing a schedule of rates or a proposed rate increase with the Municipality, a cable operator shall (a) publish a summary of the rates or rate increase in a newspaper of general circulation for at least three (3) consecutive days, and (b) cablecast a summary of the rates or rate increase on its public information channel, at least twice daily at such times as are reasonably expected to reach the largest audience, over a three (3) day period, in each case notifying interested parties that they must submit written comments by a date certain within thirty (30) days of the cable operator's filing with the Municipality, at the appropriate address.

(4) A cable operator shall comply with all orders of the Municipality except that a cable operator shall not be required to comply with an order if the cable operator demonstrates that complying with the order would require the cable operator to disclose proprietary information.

b. <u>Duties of the Municipality</u>.

(1) Within twenty (20) days of receiving a cable operator's schedule of rates or a proposed rate increase, the Municipality shall publish at least once in a newspaper of general circulation a notice that interested parties shall submit written

comments to the Municipality by a date certain within thirty (30) days of the cable operator's filing with the Municipality, at the appropriate address.

(2) The Municipality shall make any decision on the reasonableness of current basic service rates or proposed rate increases pursuant to the procedural and substantive provisions of the Federal Law.

(3) Prior to making any decision on the reasonableness of current basic rates or proposed rate increases, the Municipality shall receive comments on the matter from all interested citizens. This process shall include both the receipt of written comments as described in Section D.1.b.(1) as well as the receipt of oral comments at a public meeting of the Governing Body. Oral comments may be received at the public meeting at which the rate decision is made, so long as the comments precede the final vote on the decision.

c. Enforcement. In rendering its decisions, the Governing Body shall have the full authority granted to it pursuant to the Federal Law to order a cable operator to take any and all actions as the Federal Law permits, including, without limitation:

(1) ordering a cable operator to implement a reduction in basic service tier or associated equipment rates where necessary to bring rates into compliance with the standards set forth in the Federal Law.

(2) prescribing a reasonable rate for the basic service tier or associated equipment after it determines that a proposed rate is unreasonable.

(3) ordering a cable operator to refund to subscribers that portion of previously paid rates determined to be in excess of the permitted tier charge or above the actual cost of equipment, unless the operator has submitted a cost-of-service showing which justified the rate charged as reasonable.

Before ordering such a refund, however, the Municipality shall give the operator notice, and shall give the operator fifteen (15) days from the date such notice is given to submit written comments to the Municipality. Any such refund order shall be further subject to the limitations contained in the Federal Law.

d. Penalties. In the event that a cable operator does not comply with a decision made pursuant to this Ordinance and directed specifically toward the cable operator, the cable operator shall be guilty of a summary offense punishable by a fine in an amount not to exceed Six Hundred Dollars ($600.00). Every day that the violation continues shall be considered a separate offense.

E. CUSTOMER SERVICE REGULATION PROVISIONS.

1. Federal Minimum Customer Service Standards Adopted. It is the intent of the Municipality to enforce the following minimum customer service standards as established by the Federal Law:

a. Cable system office hours and telephone availability.

(1) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

(a) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

(b) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(2) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less that ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

(3) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

(4) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

(5) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

b. Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:

(1) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

(2) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

(3) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

(4) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(5) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

c. Communications between cable operators and cable subscribers.

(1) Notifications to subscribers

(a) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

i) products and services offered;

ii) prices and options for programming services and conditions of subscription to programming and other services;

iii) installation and service maintenance policies;

iv) instructions on how to use the cable service;

v) channel positions of programming

carried on the system; and,

vi) billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

(b) Billing

i) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

ii) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within thirty (30) days.

(c) Refunds--Refund checks will be issued promptly, but no later than either:

i) the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

ii) the return of the equipment supplied by the cable operator if service is terminated.

(d) Credits--Credits for service will be issued no later that the customer's next billing cycle following the determination that a credit is warranted.

d. Definitions

(1) Normal Business Hours. The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend

hours.

(2) Normal Operating Conditions. The term "normal operating conditions" means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(3) Service Interruption. The term "service interruption" means the loss of picture or sound on one or more cable channels.

2. Enforcement. In furtherance thereof, the compliance officer, ninety (90) days after giving notice to the cable operators of the Municipality's intent to enforce these standards, shall have the authority and responsibility to enforce these standards to the fullest extent permitted by the Federal Law and in accordance with all substantive and procedural requirements of the Federal Law. In furtherance thereof, the compliance officer may make any and all such orders and assess any and all such penalties for violations of these standards as are permitted by the Federal Law, subject to the oversight and control of the Governing Body, including, without limitation,

a. ordering the cable operator to pay credits or refunds to the subscribers to the cable operator's system;

b. filing suit against a cable operator to compel specific performance.

c. conducting performance evaluations at the time of renewal of the cable operator's franchise agreement.

3. Other Customer Service Standards Not Affected. All other customer service standards, whether established by franchise agreement, state law or regulation or

local ordinance, and whether now or hereafter enacted, shall remain in full force and effect to the extent that such other customer service standards are not preempted by the Federal Law.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 7th day of March, 1994.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

By

President of the Board of Commissioners

ORDINANCE NO. 850

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 838.

The Township of Wilkins Ordains as Follows:

Ordinance No. 838 is amended to provide as follows:

Section I. The unpaid balances of the assessments made by Ordinance No. 837 assessing the owners of property in the Leax Lane sewer district shall be payable in four equal quarterly installments, beginning May 15, 1994, without interest.

Section II. In the event of failure of any assessee to pay any installment in full when due, the entire balance shall become due, with interest at 12% and penalty, as provided by law.

Section III. The Township Manager shall give notice of this Ordinance to each property owner immediately.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 11th day of April, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
Michael Madden, President,
Board of Commissioners

ATTEST:
Paul A. Vargo
~~Acting~~ Secretary
ASSISTANT

MNB050

ORDINANCE NO. 851

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING THE USE AND MAINTENANCE OF SEWAGE HOLDING TANKS WITHIN THE TOWNSHIP OF WILKINS AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

THE TOWNSHIP OF WILKINS Ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 851 in the following form:

MNB050

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY

Ordinance No. 851 of 1994

AN ORDINANCE REGULATING THE USE AND MAINTENANCE OF SEWAGE HOLDING TANKS WITHIN THE TOWNSHIP OF WILKINS AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

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

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

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. "Authority" shall mean the Commissioners of the Township of Wilkins in Allegheny County, Pennsylvania.

B. "Holding Tank" means a watertight receptacle, whether permanent or temporary which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

C. "Improved Property" shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

D. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

E. "Person" shall mean any individual, partnership, company, association, corporation or other group or entity.

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

G. "Municipality" shall mean Township of Wilkins, in Allegheny County, Pennsylvania.

Section 3. Right and privileges granted. That the Authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

Section 4. Rules and Regulations. That the Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Law

All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other Ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Rates and Charges. The Authority shall have the right and power to fix, alter, charge and collect rates and charges in connection with the administration of this Ordinance and in addition, collect amounts in lieu of sewer rental fees. Such rates, charges and fees to be established by Resolution of the Board of Commissioners and amended from time to time.

Section 7. Exclusiveness of Rights and Privileges.

A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

B. The Authority will receive, review and retain pumping receipts from permitted holding tanks.

C. The Authority will complete and retain annual inspection reports for each permitted tank.

Section 8. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

A. Apply for and obtain a holding tank permit.

B. Maintain the holding tank in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

C. Permit the Authority to inspect holding tanks at its discretion.

D. Permit only a duly licensed wasteholder approved by the Authority to collect, transport and dispose of the contents of a holding tank.

E. Provide to the Authority on a monthly basis, a record of holding tank removal dates and the name of the waste hauler.

Section 9. Violations. Any person who violates any provisions of Section 8 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred ($100.00) dollars and not more than Three Hundred ($300.00) Dollars and cents, and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days.

Section 10. Abatement of Nuisances. In addition to any other remedies provided in this Ordinance, any violation of Section 8 above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

Section 11. Repeal. All Ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 12. 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 Commissioners of the Township, that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 13. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 9th day of May, 1994.

ATTEST:

Paul A. Vary
Assistant Secretary

TOWNSHIP OF WILKINS

By Michael J. Madden
President of the Board of Commissioners

ORDINANCE NO. 852

AN ORDINANCE AUTHORIZING THE INCURRING OF NONELECTORAL DEBT TO FINANCE THE COST OF A PROJECT: PROVIDING FOR THE ISSUANCE OF A SERIES OF GENERAL OBLIGATION NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF $710,000.; ESTABLISHING THE FORM AND TERMS OF THE NOTES; AWARDING THE NOTES TO THE PURCHASER THEREOF; APPOINTING A SINKING FUND DEPOSITARY; PROVIDING FOR THE REGISTRATION AND TRANSFER OF THE NOTES; AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTES; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER FOR THE PAYMENT THEREOF AND COVENANTING TO PAY DEBT SERVICE ON THE NOTES; ESTABLISHING A SINKING FUND: AUTHORIZING THE PREPARATION AND FILING OF A DEBT STATEMENT, BORROWING BASE CERTIFICATE, DEBT EXCLUSION PROCEEDINGS AND A TRANSCRIPT OF THE PROCEEDINGS FOR THE ISSUANCE OF THE NOTES; PROVIDING FOR COVENANTS, REPRESENTATIONS AND WARRANTIES REGARDING FEDERAL INCOME TAX MATTERS; DESIGNATING THE NOTES AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND REPEALING INCONSISTENT ORDINANCES

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 852 in the following form:

MNB050

WILKINS TOWNSHIP

ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO 852

AN ORDINANCE AUTHORIZING THE INCURRING OF NONELECTORAL DEBT TO FINANCE THE COST OF A PROJECT; PROVIDING FOR THE ISSUANCE OF A SERIES OF GENERAL OBLIGATION NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF $710,000; ESTABLISHING THE FORM AND TERMS OF THE NOTES; AWARDING THE NOTES TO THE PURCHASER THEREOF; APPOINTING A SINKING FUND DEPOSITARY; PROVIDING FOR THE REGISTRATION AND TRANSFER OF THE NOTES; AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTES; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER FOR THE PAYMENT THEREOF AND COVENANTING TO PAY DEBT SERVICE ON THE NOTES; ESTABLISHING A SINKING FUND; AUTHORIZING THE PREPARATION AND FILING OF A DEBT STATEMENT, BORROWING BASE CERTIFICATE, DEBT EXCLUSION PROCEEDINGS AND A TRANSCRIPT OF THE PROCEEDINGS FOR THE ISSUANCE OF THE NOTES; PROVIDING FOR COVENANTS, REPRESENTATIONS AND WARRANTIES REGARDING FEDERAL INCOME TAX MATTERS; DESIGNATING THE NOTES AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND REPEALING INCONSISTENT ORDINANCES.

WHEREAS, Wilkins Township, Allegheny County, Pennsylvania (the "Issuer") proposes to incur nonelectoral debt by the issuance of its general obligation notes to finance the cost of 1986 bond refinancing (the "Project"); and

WHEREAS, in accordance with Section 106 of the Local Government Unit Debt Act, Act No. 52 of the 1978 General Assembly of the Commonwealth of Pennsylvania, as amended (the "Debt Act"), the Issuer has obtained realistic cost estimates for the Project through actual bids, or professional estimates from professional architects or engineers or others qualified by experience;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE ISSUER and it is hereby ordained and enacted as follows:

SECTION 1. ***Incurrence of Nonelectoral Debt; the Notes; Project Cost.*** The Issuer hereby determines to incur nonelectoral debt in accordance with the Debt Act by the issuance of its General Obligation Serial Notes (the "Notes") in the aggregate principal amount of $710,000. The proceeds of the Notes will be used to pay the "cost" of the Project (within the meaning of the Debt Act) having an estimated cost of $710,000 and hereby determined to have a realistic useful life in excess of ten years.

SECTION 2. Award of the Notes. The Issuer hereby finds that a private sale of the Notes by negotiation is in the best financial interest of the Issuer. The proposal (the "Proposal") of Mellon Bank, N.A. (the "Purchaser") for the purchase of the Notes is hereby accepted and the Notes are hereby awarded to the Purchaser for the consideration specified in the Proposal.

SECTION 3. Terms of the Notes. The Notes shall consist of ten serial Notes, shall be issued in fully registered form, shall be dated the date of the execution and delivery thereof, shall bear interest from such date at the rate of 5.55% per annum (calculated on the basis of a year of 360 days, as the case may be, and 30 days elapsed), payable monthly on the first day of each month, beginning August 1994, and shall be substantially in the form set forth in Exhibit A appended hereto. Principal of each Note shall be payable in monthly installments in accordance with the Schedule A relating to such Note, all of which Schedules are appended hereto. After any installment of principal or interest shall become due, by acceleration or otherwise, such installment shall bear interest for each day until paid, payable on demand, at a rate per annum (calculated on the basis of a year of 360 days, as the case may be, and 30 days elapsed) equal to the lesser of (i) 25%, or (ii) 2% above the then current Prime Rate, such interest rate to change automatically from time to time, effective as of the effective date of each change in the Prime Rate. "Prime Rate" means the interest rate per annum announced from time to time by the Purchaser as its Prime Rate. Interest payable on the Notes shall be calculated on the basis of a 360-day year of twelve 30-day months.

The Notes may not be prepaid or redeemed by the Issuer in whole or in part.

SECTION 4. Appointment of Sinking Fund Depositary. The proper officers of the Issuer are hereby authorized and directed to contract with Mellon Bank, N.A. for its services as sinking fund depositary (in such capacity, the "Sinking Fund Depositary") and Mellon Bank, N.A. is hereby appointed to such position.

SECTION 5. Registration and Transfer of the Notes. The Issuer shall cause books for the registration and transfer of the Notes to be kept with the Sinking Fund Depositary and hereby appoints the Sinking Fund Depositary its registrar and transfer agent to keep such books and to make such registrations and transfers under such reasonable regulations as the Issuer or the Sinking Fund Depositary may prescribe.

Upon surrender for transfer of any Note, the Issuer shall execute and the Sinking Fund Depositary shall deliver in the name of the transferee or transferees a new Note of the same maturity and principal amount. In lieu of the delivery of a new Note, the Sinking Fund Depositary may deliver to the transferee the Note surrendered for transfer. No Note shall be subdivided and no transfer of any Note will be effective until entered on the Note registry books of the Issuer. No service charge shall be made for any transfer or registration of Notes, but the Issuer may require payment of a sum sufficient to pay any tax or other governmental charge that may be imposed in relation thereto.

SECTION 6. Execution and Delivery of Notes. The Notes shall be executed in the name and under the corporate seal of the Issuer by Michael J. Madden, President of the Issuer and attested by the Secretary or Assistant Secretary of the Issuer. The proper officers of the Issuer are authorized to deliver the Notes to the Purchaser in accordance with the terms and conditions of the Proposal and to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the issue and sale of the Notes, all in accordance with this Ordinance and the Proposal.

SECTION 7. Pledge of Full Faith, Credit and Taxing Power. The Notes are hereby declared to be general obligations of the Issuer. The Issuer hereby covenants that it shall include the amount of debt service on the Notes for each fiscal year in which such sums are payable in its budget for that year, shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid the principal of the Notes and the interest thereon at the dates and places and in the manner stated in the Notes according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Issuer hereby irrevocably pledges its full faith, credit and taxing power. The amounts which the Issuer hereby covenants to pay in each fiscal year as principal of and interest on the Notes is set forth in Schedule B appended hereto.

SECTION 8. Sinking Fund. There is hereby established with the Sinking Fund Depositary a sinking fund to be known as General Obligation Serial Notes Sinking Fund (the "Sinking Fund") for the payment of principal of and interest on the Notes. The Issuer's Treasurer shall deposit into the Sinking Fund, which shall be maintained until the Notes are paid in full, sufficient amounts for payment of principal of and interest on the Notes no later than the day prior to the date upon which such payments shall become due. The Sinking Fund Depositary shall, as and when such payments are due, without further action of the Issuer, withdraw moneys in the Sinking Fund and apply said moneys to the payment of the principal of and interest on the Notes.

SECTION 9. Filing with Pennsylvania Department of Community Affairs. The President or Vice President of the Issuer and the Secretary or the Assistant Secretary of the Issuer are hereby authorized and directed to prepare, verify and file with the Pennsylvania Department of Community Affairs, in accordance with the Debt Act, a transcript of the proceedings relating to the issuance of the Notes, including the Debt Statement required by Section 410 of the Debt Act and a Borrowing Base Certificate, and to take other necessary action, including, if necessary or desirable, the preparation and filing of any statements, reports or documents required to exclude any portion of the debt of the Issuer from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 10. Non-Arbitrage Covenant. The Issuer hereby covenants with the holders from time to time of the Notes that it will make no use of the proceeds of the Notes which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986 (the "Code") and the regulations promulgated or proposed thereunder and that it will comply with the requirements of said Section, including without limitation, subsection (f) thereof and said regulations throughout the term of the Notes. The foregoing covenant shall survive the payment in full of the Notes.

SECTION 11. Other Covenants Regarding Federal Income Tax Matters. The Issuer hereby covenants with the holders from time to time of the Notes as follows:

(a) All of the proceeds of the Notes (except proceeds applied to pay the costs and expenses of the issuance of the Notes) will be used to provide facilities for local government activities of the Issuer;

(b) No portion of the Project will be leased to or managed by any person, other than the Issuer, or used by any person, other than the Issuer, on a basis different from such use by the general public;

(c) The Issuer will take no action with respect to the Project which will cause the Notes to come within the definition of "private activity bonds" contained in Section 141 of the Code;

(d) The Issuer will comply with all requirements of the Code and the regulations promulgated or proposed thereunder applicable to the Notes in order to ensure that interest on the Notes will remain excluded from gross income from federal income tax purposes under Section 103(a) of the Code; and

(e) None of the proceeds of the Notes will be used to reimburse the Issuer for an expenditure made prior to the date of the Notes unless (i) such expenditure complies with the applicable provisions of Section 1.150-2 of the Treasury Regulations or (ii) the proceeds of the Notes are exempt from the arbitrage rebate requirements of Section 148(f) of the Code.

SECTION 12. Federal Income Tax Representations and Warranties. The Issuer hereby represents and warrants to the holders from time to time of the Notes as follows:

(a) It is a governmental unit with general taxing powers;

(b) The aggregate amount of tax-exempt obligations which are not "private activity bonds" (as defined in Section 141 of the Code), other than "qualified 501(c)(3) bonds" (as defined in Section 145 of the Code) issued after December 31, 1992 by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the Issuer, when added to the principal amount of the Notes and the amount of tax-exempt obligations (including "qualified 501(c)(3) bonds") which are not "private activity bonds" which are reasonably expected to be issued by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the Issuer on or after the date of issuance of the Notes and before January 1, 1994, does not and will not exceed $10,000,000; and

(c) The aggregate amount of tax-exempt obligations which are not "private activity bonds" (as defined in Section 141 of the Code) issued after December 31, 1992 by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the

Issuer, when added to the principal amount of the Notes and the amount of tax-exempt obligations which are not "private activity bonds" which are reasonably expected to be issued by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the Issuer on or after the date of issuance of the Notes and before January 1, 1994, does not and will not exceed $5,000,000

SECTION 13. Qualified Tax-Exempt Obligations. The Issuer hereby designates the Notes under Section 265(b)(3)(B)(ii) of the Code as "qualified tax-exempt obligations", as that term is defined in Section 265(b)(3)(B) of the Code.

SECTION 14. Repealer. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS MAY 9, 1994.

WILKINS TOWNSHIP

By Michael J. Madden
Michael J. Madden
President,
Board of Commissioners

ATTEST:

Paul A. Vargo
Paul A. Vargo
Acting Manager

SCHEDULE B

TOTAL FISCAL PAYMENTS
PRINCIPAL & INTEREST

Wilkins Township

FISCAL YEAR ENDING	AMOUNT
31-Dec-94	$41,351.31
31-Dec-95	$92,675.64
31-Dec-96	$92,675.64
31-Dec-97	$92,675.64
31-Dec-98	$92,675.64
31-Dec-99	$92,675.64
31-Dec-00	$92,675.64
31-Dec-01	$92,675.64
31-Dec-02	$92,675.64
31-Dec-03	$92,675.64
31-Dec-04	$54,060.79
Total:	$929,492.86

WILKINS TOWNSHIP

ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 852 AMENDED

AN ORDINANCE AUTHORIZING THE INCURRING OF NONELECTORAL DEBT TO FINANCE THE COST OF A PROJECT; PROVIDING FOR THE ISSUANCE OF A SERIES OF GENERAL OBLIGATION NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF $710,000; ESTABLISHING THE FORM AND TERMS OF THE NOTES; AWARDING THE NOTES TO THE PURCHASER THEREOF; APPOINTING A SINKING FUND DEPOSITARY; PROVIDING FOR THE REGISTRATION AND TRANSFER OF THE NOTES; AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTES; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER FOR THE PAYMENT THEREOF AND COVENANTING TO PAY DEBT SERVICE ON THE NOTES; ESTABLISHING A SINKING FUND; AUTHORIZING THE PREPARATION AND FILING OF A DEBT STATEMENT, BORROWING BASE CERTIFICATE, DEBT EXCLUSION PROCEEDINGS AND A TRANSCRIPT OF THE PROCEEDINGS FOR THE ISSUANCE OF THE NOTES; PROVIDING FOR COVENANTS, REPRESENTATIONS AND WARRANTIES REGARDING FEDERAL INCOME TAX MATTERS; DESIGNATING THE NOTES AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND REPEALING INCONSISTENT ORDINANCES.

WHEREAS, Wilkins Township, Allegheny County, Pennsylvania (the "Issuer") proposes to incur nonelectoral debt by the issuance of its general obligation notes to finance the cost of 1986 bond refinancing (the "Project"); and

WHEREAS, in accordance with Section 106 of the Local Government Unit Debt Act, Act No. 52 of the 1978 General Assembly of the Commonwealth of Pennsylvania, as amended (the "Debt Act"), the Issuer has obtained realistic cost estimates for the Project through actual bids, or professional estimates from professional architects or engineers or others qualified by experience;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE ISSUER and it is hereby ordained and enacted as follows:

SECTION 1. ***Incurrence of Nonelectoral Debt; the Notes; Project Cost.*** The Issuer hereby determines to incur nonelectoral debt in accordance with the Debt Act by the issuance of its General Obligation Serial Notes (the "Notes") in the aggregate principal amount of $710,000. The proceeds of the Notes will be used to pay the "cost" of the Project (within the meaning of the Debt Act) having an estimated cost of $710,000 and hereby determined to have a realistic useful life in excess of ten years.

SECTION 2. Award of the Notes. The Issuer hereby finds that a private sale of the Notes by negotiation is in the best financial interest of the Issuer. The proposal (the "Proposal") of Mellon Bank, N.A. (the "Purchaser") for the purchase of the Notes is hereby accepted and the Notes are hereby awarded to the Purchaser for the consideration specified in the Proposal.

SECTION 3. Terms of the Notes. The Notes shall consist of ten serial Notes, shall be issued in fully registered form, shall be dated the date of the execution and delivery thereof, shall bear interest from such date at the rate of 5.55% per annum (calculated on the basis of a year of 360 days, as the case may be, and 30 days elapsed), payable monthly on the first day of each month, beginning August 1994, and shall be substantially in the form set forth in Exhibit A appended hereto. Principal of each Note shall be payable in monthly installments in accordance with the Schedule A relating to such Note, all of which Schedules are appended hereto. After any installment of principal or interest shall become due, by acceleration or otherwise, such installment shall bear interest for each day until paid, payable on demand, at a rate per annum (calculated on the basis of a year of 360 days, as the case may be, and 30 days elapsed) equal to the lesser of (i) 25%, or (ii) 2% above the then current Prime Rate, such interest rate to change automatically from time to time, effective as of the effective date of each change in the Prime Rate. "Prime Rate" means the interest rate per annum announced from time to time by the Purchaser as its Prime Rate. Interest payable on the Notes shall be calculated on the basis of a 360-day year of twelve 30-day months.

The Notes may not be prepaid or redeemed by the Issuer in whole or in part.

SECTION 4. Appointment of Sinking Fund Depositary. The proper officers of the Issuer are hereby authorized and directed to contract with Mellon Bank, N.A. for its services as sinking fund depositary (in such capacity, the "Sinking Fund Depositary") and Mellon Bank, N.A. is hereby appointed to such position.

SECTION 5. Registration and Transfer of the Notes. The Issuer shall cause books for the registration and transfer of the Notes to be kept with the Sinking Fund Depositary and hereby appoints the Sinking Fund Depositary its registrar and transfer agent to keep such books and to make such registrations and transfers under such reasonable regulations as the Issuer or the Sinking Fund Depositary may prescribe.

Upon surrender for transfer of any Note, the Issuer shall execute and the Sinking Fund Depositary shall deliver in the name of the transferee or transferees a new Note of the same maturity and principal amount. In lieu of the delivery of a new Note, the Sinking Fund Depositary may deliver to the transferee the Note surrendered for transfer. No Note shall be subdivided and no transfer of any Note will be effective until entered on the Note registry books of the Issuer. No service charge shall be made for any transfer or registration of Notes, but the Issuer may require payment of a sum sufficient to pay any tax or other governmental charge that may be imposed in relation thereto.

SECTION 6. Execution and Delivery of Notes. The Notes shall be executed in the name and under the corporate seal of the Issuer by Michael J. Madden, President of the Issuer and attested by the Secretary or Assistant Secretary of the Issuer. The proper officers of the Issuer are authorized to deliver the Notes to the Purchaser in accordance with the terms and conditions of the Proposal and to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the issue and sale of the Notes, all in accordance with this Ordinance and the Proposal.

SECTION 7. Pledge of Full Faith, Credit and Taxing Power. The Notes are hereby declared to be general obligations of the Issuer. The Issuer hereby covenants that it shall include the amount of debt service on the Notes for each fiscal year in which such sums are payable in its budget for that year, shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid the principal of the Notes and the interest thereon at the dates and places and in the manner stated in the Notes according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Issuer hereby irrevocably pledges its full faith, credit and taxing power. The amounts which the Issuer hereby covenants to pay in each fiscal year as principal of and interest on the Notes is set forth in Schedule B appended hereto.

SECTION 8. Sinking Fund. There is hereby established with the Sinking Fund Depositary a sinking fund to be known as General Obligation Serial Notes Sinking Fund (the "Sinking Fund") for the payment of principal of and interest on the Notes. The Issuer's Treasurer shall deposit into the Sinking Fund, which shall be maintained until the Notes are paid in full, sufficient amounts for payment of principal of and interest on the Notes no later than the day prior to the date upon which such payments shall become due. The Sinking Fund Depositary shall, as and when such payments are due, without further action of the Issuer, withdraw moneys in the Sinking Fund and apply said moneys to the payment of the principal of and interest on the Notes.

SECTION 9. Filing with Pennsylvania Department of Community Affairs. The President or Vice President of the Issuer and the Secretary or the Assistant Secretary of the Issuer are hereby authorized and directed to prepare, verify and file with the Pennsylvania Department of Community Affairs, in accordance with the Debt Act, a transcript of the proceedings relating to the issuance of the Notes, including the Debt Statement required by Section 410 of the Debt Act and a Borrowing Base Certificate, and to take other necessary action, including, if necessary or desirable, the preparation and filing of any statements, reports or documents required to exclude any portion of the debt of the Issuer from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 10. Non-Arbitrage Covenant. The Issuer hereby covenants with the holders from time to time of the Notes that it will make no use of the proceeds of the Notes which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986 (the "Code") and the regulations promulgated or proposed thereunder and that it will comply with the requirements of said Section, including without limitation, subsection (f) thereof and said regulations throughout the term of the Notes. The foregoing covenant shall survive the payment in full of the Notes.

SECTION 11. Other Covenants Regarding Federal Income Tax Matters. The Issuer hereby covenants with the holders from time to time of the Notes as follows:

(a) All of the proceeds of the Notes (except proceeds applied to pay the costs and expenses of the issuance of the Notes) will be used to provide facilities for local government activities of the Issuer;

(b) No portion of the Project will be leased to or managed by any person, other than the Issuer, or used by any person, other than the Issuer, on a basis different from such use by the general public;

(c) The Issuer will take no action with respect to the Project which will cause the Notes to come within the definition of "private activity bonds" contained in Section 141 of the Code;

(d) The Issuer will comply with all requirements of the Code and the regulations promulgated or proposed thereunder applicable to the Notes in order to ensure that interest on the Notes will remain excluded from gross income from federal income tax purposes under Section 103(a) of the Code; and

(e) None of the proceeds of the Notes will be used to reimburse the Issuer for an expenditure made prior to the date of the Notes unless (i) such expenditure complies with the applicable provisions of Section 1.150-2 of the Treasury Regulations or (ii) the proceeds of the Notes are exempt from the arbitrage rebate requirements of Section 148(f) of the Code.

SECTION 12. Federal Income Tax Representations and Warranties. The Issuer hereby represents and warrants to the holders from time to time of the Notes as follows:

(a) It is a governmental unit with general taxing powers;

(b) The aggregate amount of tax-exempt obligations which are not "private activity bonds" (as defined in Section 141 of the Code), other than "qualified 501(c)(3) bonds" (as defined in Section 145 of the Code) issued after December 31, 1993 by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the Issuer, when added to the principal amount of the Notes and the amount of tax-exempt obligations (including "qualified 501(c)(3) bonds") which are not "private activity bonds" which are reasonably expected to be issued by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the Issuer on or after the date of issuance of the Notes and before January 1, 1995, does not and will not exceed $10,000,000; and

(c) The aggregate amount of tax-exempt obligations which are not "private activity bonds" (as defined in Section 141 of the Code) issued after December 31, 1993 by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the

Issuer, when added to the principal amount of the Notes and the amount of tax-exempt obligations which are not "private activity bonds" which are reasonably expected to be issued by the Issuer, any subordinate entity controlled by the Issuer or any entity which issues bonds on behalf of the Issuer on or after the date of issuance of the Notes and before January 1, 1995, does not and will not exceed $5,000,000.

SECTION 13. Qualified Tax-Exempt Obligations. The Issuer hereby designates the Notes under Section 265(b)(3)(B)(ii) of the Code as "qualified tax-exempt obligations", as that term is defined in Section 265(b)(3)(B) of the Code.

SECTION 14. Repealer. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS MAY 9, 1994.

WILKINS TOWNSHIP

SEAL

By: _____
Michael J. Madden
President

ATTEST:

_____
John Hanlon
Secretary

(If Applicable)

Approved this _____ day of _____, 199___.

_____
Mayor

SCHEDULE B

TOTAL FISCAL PAYMENTS
PRINCIPAL & INTEREST

Wilkins Township

FISCAL YEAR ENDING	AMOUNT
31-Dec-94	$38,943.23
31-Dec-95	$92,675.64
31-Dec-96	$92,675.64
31-Dec-97	$92,675.64
31-Dec-98	$92,675.64
31-Dec-99	$92,675.64
31-Dec-00	$92,675.64
31-Dec-01	$92,675.64
31-Dec-02	$92,675.64
31-Dec-03	$92,675.64
30-Dec-04	$54,060.79
Total:	$927,084.78

ORDINANCE NO. 853

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS AUTHORIZING AND DIRECTING THE ANNUAL TRANSFER OF ONE HUNDRED THOUSAND DOLLARS ($100,000.00) OF SEWER USER FEES TO THE SINKING FUND ESTABLISHED IN CONNECTION WITH THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES OF 1994, COMMENCING ON AUGUST 15, 1995 AND EACH AUGUST 15TH THEREAFTER UNTIL MATURITY OR EARLIER REDEMPTION OF SUCH BONDS: AND REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 853 in the following form:

MNB050

BOARD OF COMMISSIONERS
TOWNSHIP OF WILKINS, PENNSYLVANIA

ORDINANCE
NO. 853

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS AUTHORIZING AND DIRECTING THE ANNUAL TRANSFER OF ONE HUNDRED THOUSAND DOLLARS ($100,000.00) OF SEWER USER FEES TO THE SINKING FUND ESTABLISHED IN CONNECTION WITH THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES OF 1994, COMMENCING ON AUGUST 15, 1995 AND EACH AUGUST 15 THEREAFTER UNTIL MATURITY OR EARLIER REDEMPTION OF SUCH BONDS; AND REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH.

WHEREAS, the Township of Wilkins (the "Township") has heretofore authorized and directed the incurrence of nonelectoral debt to be designated generally as "General Obligation Bonds, Series of 1994" (the "1994 Bonds") to provide funds for a certain sanitary sewer capital project and to pay certain costs incurred or to be incurred in connection with the issuance of the 1994 Bonds (collectively, the "Project"), all in accordance with applicable and appropriate provisions of the Act, as hereinafter defined; and

WHEREAS, the Township has pledged its full faith, credit and taxing power for the payment of the debt service on the 1994 Bonds; and

WHEREAS, in order to provide additional security for the payment of the debt service on the 1994 Bonds and obtain the lowest possible interest rate, the Township desires to authorize and direct the transfer of certain sewer user fees to the Sinking Fund created with respect to the 1994 Bonds (the "Sinking Fund").

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township, as follows:

Section 1. The Project. The Township hereby irrevocably authorizes and directs the annual transfer of One Hundred Thousand Dollars ($100,000.00) of sewer user fees to the Sinking Fund commencing on August 15, 1995 and on each August 15 thereafter until maturity or earlier redemption of the 1994 Bonds.

Section 2. Repealer. All ordinances or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same expressly are repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 24th day of May 1994.

ATTEST:

By: Paul A. Vazzo
Asst. Secretary

TOWNSHIP OF WILKINS

By: Michael J. Madden
President of Board of Commissioners

[SEAL]

CERTIFICATE

I, the undersigned, Secretary of the Board of Commissioners of the Township of Wilkins, Pennsylvania (the "Township"), hereby certify that the foregoing and attached is a true copy of an Ordinance which was duly enacted at a meeting of the Board of Commissioners of the Township on May 24, 1994, at which a quorum was present and acting throughout, after due notice to the members of the Board and to the public and which as at all times open to the public; that the same was duly recorded in the Township's Ordinance Book and that a summary thereof was published as required by law in a newspaper of general circulation in the Township. I further certify that the Township met the advance notice requirements of Act No. 175 of 1974 Pennsylvania General Assembly by advertising the date of the meeting and posting a notice of said meeting at the public meeting place of the Board. I further certify that the total number of members of the Board is five (5) and that the vote upon said Ordinance was called and duly recorded upon the minutes of the Board and that the members of the Board voted in the manner following:

	Yes	No	Abstain	Absent
Francis P. Colonella	___	___	___	___
Cheryl Cowell	___	___	___	___
Victor Dinzeo	___	___	___	___
Michael Madden	___	___	___	___
Peter G. Nychis	___	___	___	___

WITNESS my hand and the seal of the Township of Wilkins this 24th day of May 1994.

Paul A. Vayo
Asst. Secretary

[SEAL]

ORDINANCE NO. 854

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING AND DIRECTING ISSUANCE OF A SERIES OF GENERAL OBLIGATION BONDS, SERIES OF 1994, dated as of june 15, 1994,IN THE AGGREGATE PRINCIPAL AMOUNT OF ONE MILLION THREE HUNDRED FIFTEEN THOUSAND DOLLARS ($1,315,000.00),

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 854

MNB050

BOARD OF COMMISSIONERS
TOWNSHIP OF WILKINS, PENNSYLVANIA

ORDINANCE
NO. 854

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS AUTHORIZING AND DIRECTING ISSUANCE OF A SERIES OF GENERAL OBLIGATION BONDS, SERIES OF 1994, DATED AS OF JUNE 15, 1994, IN THE AGGREGATE PRINCIPAL AMOUNT OF ONE MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS ($1,350,000), PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT, WITH THE PROCEEDS, TO PROVIDE FUNDS FOR AND TOWARDS THE COSTS OF A PROJECT CONSISTING OF: (1) FUNDING CERTAIN SANITARY SEWER CAPITAL PROJECT; AND (2) PAYMENT OF THE COSTS AND EXPENSES OF ISSUING SAID GENERAL OBLIGATION BONDS; FINDING A PRIVATE SALE BY NEGOTIATION TO BE IN THE BEST FINANCIAL INTERESTS OF THE TOWNSHIP; DETERMINING THAT SUCH DEBT SHALL BE NONELECTORAL DEBT OF THE TOWNSHIP; ACCEPTING A PROPOSAL FOR PURCHASE OF SUCH GENERAL OBLIGATION BONDS AND AWARDING SUCH GENERAL OBLIGATION BONDS; PROVIDING THAT SUCH GENERAL OBLIGATION BONDS, WHEN ISSUED, SHALL BE GENERAL OBLIGATIONS OF THE TOWNSHIP; FIXING THE SUBSTANTIAL FORM, DENOMINATIONS, NUMBERS, DATE, MATURITY DATES, INTEREST RATES, INTEREST PAYMENT DATES, REGISTRATION PROVISIONS, PLACE OF PAYMENT OF PRINCIPAL AND INTEREST AND REDEMPTION PROVISIONS; AUTHORIZING EXECUTION OF SUCH GENERAL OBLIGATION BONDS AND AUTHENTICATION THEREOF; PROVIDING COVENANTS RELATED TO PAYMENT OF DEBT SERVICE AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP IN SUPPORT THEREOF; CREATING A SINKING FUND AND A PROJECT FUND; APPOINTING A PAYING AGENT, A REGISTRAR, A SINKING FUND DEPOSITARY AND BOND COUNSEL; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE TOWNSHIP TO DO, TO TAKE AND TO PERFORM CERTAIN SPECIFIED, REQUIRED, NECESSARY OR APPROPRIATE ACTS AND THINGS; RATIFYING PRIOR ADVERTISEMENT AND DIRECTING FURTHER ADVERTISEMENT; AUTHORIZING PAYMENT OF EXPENSES; AUTHORIZING THE ACCEPTANCE OF A COMMITMENT FOR MUNICIPAL BOND INSURANCE; RATIFYING THE PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING APPROVAL OF THE FINAL OFFICIAL STATEMENT; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH.

WHEREAS, the Township of Wilkins (the "Township") desires to incur nonelectoral debt to be designated generally as "General Obligation Bonds, Series of 1994" (the "1994 Bonds") to provide funds for a certain sanitary sewer capital project and to pay certain costs incurred or to be incurred in connection with the issuance of the 1994 Bonds, including the cost of a municipal bond insurance policy (collectively, the "Project"), all in accordance with applicable and appropriate provisions of the Act, as hereinafter defined; and

WHEREAS, the Township has obtained realistic cost estimates of the Project which are set forth on Exhibit A attached hereto; and

WHEREAS, a proposal for purchase of the 1994 Bonds has been requested from and has been received from Mellon Bank, N.A. (the "Purchaser"); and

WHEREAS, the Board of Commissioners (the "Board") has duly opened, read and considered the proposal; and

WHEREAS, the Township desires to accept the proposal of the Purchaser, to award the 1994 Bonds to the Purchaser, to authorize issuance of nonelectoral debt, and to take appropriate action and to authorize proper things in connection with the Project, all in accordance with and pursuant to provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township, as follows:

Section 1. The Project. The Township hereby undertakes the Project as more fully described in the preamble hereof, which description is hereby incorporated into this Section 1 by reference as if set out of length.

Section 2. Incurrence of Indebtedness. For the purposes of providing funds for and toward the payment of costs, as such term is defined in the Act, of the Project, the incurrence of nonelectoral debt by the Township in the amount of $1,350,000 is hereby authorized. Such debt shall be evidenced by a series of general obligation bonds of the Township to be designated generally as "General Obligation Bonds, Series of 1994" (the "1994 Bonds") in the aggregate principal amount of $1,350,000 which shall be applied to the payment of the costs of the Project.

Section 3. Approval of Private Sale. The Township expresses its finding that it is in the best financial interests of the Township to sell the 1994 Bonds at private sale by negotiation.

Section 4. Acceptance of Proposal. The Township shall and does accept the proposal to purchase the 1994 Bonds as contained in the certain Proposal to Purchase General Obligation Bonds, dated May 9, 1994, of the Purchaser (the "Proposal"); and the 1994 Bonds shall be and are awarded to the Purchaser, in accordance with terms and conditions of the Proposal, at a negotiated sale at the price of $1,338,364, less original issue discount. The proper officers and officials of the Township are hereby authorized and directed to execute and deliver an acceptance of the Proposal to the Purchaser. One counterpart of the Proposal shall be filed with the records of the Township.

Section 5. Maturity and Interest Rates. The 1994 Bonds shall bear interest at the rates per annum and shall mature on the dates and in the aggregate amounts, as set forth in Exhibit B, which is attached hereto and hereby made part hereof.

Section 6. Appointment of Paying Agent, Registrar and Sinking Fund Depositary. The Township hereby appoints Mellon Bank, N.A., having its principal corporate trust office in the City of Pittsburgh, Allegheny County, Pennsylvania to serve as paying agent (the "Paying Agent") and Registrar with respect to the 1994 Bonds and as sinking fund depositary for the Sinking Funds (hereinafter defined) created hereby. The proper officers of the Township are hereby authorized and directed to contract with Mellon Bank, N.A. for its services as Paying Agent, Registrar and Sinking Fund Depositary at such initial and annual charges as shall be appropriate and reasonable for such services. The Township may by resolution, from time to time appoint a successor Paying Agent, Registrar or Sinking Fund Depositary to fill a vacancy or for any other reason.

Section 7. Form of Bond, Interest Payment Dates and Record Dates. The 1994 Bonds shall be substantially in the form contained in Section 27 hereof. The 1994 Bonds are issuable as fully registered bonds without coupons, in denominations of $5,000 and any integral multiple thereof, and shall be numbered consecutively in the order of authentication, without regard to denomination or maturity.

Each 1994 Bond shall be dated as of the date of its authentication and shall bear interest (computed on the basis of a 360-day year comprised of twelve months of 30 days) from the Interest Payment Date (hereinafter defined) next preceding the date of registration and authentication of such 1994 Bond, unless: (a) such 1994 Bond is authenticated as of an Interest Payment Date, in which event such 1994 Bond shall bear interest from said Interest Payment Date; or (b) such 1994 Bond is authenticated prior to March 1, 1995, in which event such 1994 Bond shall bear interest from June 15, 1994; or (c) such 1994 Bond is authenticated after a Regular Record Date (hereinafter defined) and before the next

succeeding Interest Payment Date, in which event such 1994 Bond shall bear interest from the next succeeding Interest Payment Date; or (d) as shown by the records of the Paying Agent, interest on such 1994 Bond shall be in default, in which event such 1994 Bond shall bear interest from the date on which interest was last paid on such 1994 Bond; interest shall be payable semiannually on March 1 and September 1 of each year, beginning March 1, 1995 (each an "Interest Payment Date"), until the principal sum thereof is paid.

Except as to distinguishing numbers, denominations, interest rates and maturity dates, the 1994 Bonds and the Paying Agent's certificates of authentication shall be substantially in the forms and shall be of the tenor and purport hereinafter set forth, with insertions and variations (including CUSIP numbers) approved by the Paying Agent, as may be appropriate for different denominations and maturity dates.

The principal of and premium, if any, on the 1994 Bonds shall be payable to the Registered Owners thereof or their transferees upon presentation and surrender thereof in lawful money of the United States of America at the principal corporate trust office of the Paying Agent in lawful money of the United States of America and under the terms and conditions set forth in the 1994 Bonds. Payment of interest on the 1994 Bonds shall be made by check or draft mailed by the Paying Agent to the registered owners thereof whose names and addresses appear at the close of business on the fifteenth (15th) day of the month (whether or nor a business day) next preceding each Interest Payment Date (the "Regular Record Date") on the Bond Register (hereinafter defined), irrespective of any transfer or exchange of any 1994 Bonds subsequent to the Regular Record Date and prior to such Interest Payment Date, unless the Township shall be in default in payment of interest due on such Interest Payment Date. In the case of an interest payment to any registered owner of $1,000,000 or more in aggregate principal amount of 1994 Bonds as of the close of business of the Paying Agent on the Regular Record Date for a particular Interest Payment Date, such payment may be made by wire transfer to any designated account in a member bank of the Federal Reserve System as of the close of business on such Interest Payment Date upon written request from such registered owner, which written request is received not less than ten (10) days prior to such Regular Record Date.

In the event of any default in payment of interest due on an Interest Payment Date, such defaulted interest shall be payable to the persons in whose names the 1994 Bonds are registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent on behalf of the Township to the registered owners of the 1994 Bonds not less than ten (10) days preceding such special

record date. Such notice shall be mailed to the persons in whose names the 1994 Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

If the date for payment of the principal of, premium, if any, or interest on the 1994 Bonds occurs on a day which is not a Business Day (a "Business Day" is any day other than a Saturday, Sunday or a day on which financial institutions in the Commonwealth of Pennsylvania (the "Commonwealth") are authorized or required by law to be closed), the interest and/or principal due on such date shall be payable on the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

Section 8. Bond Register, Registrations and Transfers. The Township shall cause to be kept, and the Paying Agent, as Registrar, is hereby directed to keep, at its principal corporate trust office, books for the registration, exchange and transfer of 1994 Bonds (the "Bond Register") in the manner provided herein and therein so long as Bonds shall remain outstanding. Such registrations, exchanges and transfers shall be made without charge to bondholders, except for actual costs, including postage, insurance and any taxes or other governmental charges required to be paid with respect to the same.

The 1994 Bonds shall be transferable or exchangeable by the registered owners thereof upon surrender thereof to the Paying Agent, at its principal corporate trust office, accompanied by a written instrument or instruments in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner thereof or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of any of the 1994 Bonds in the Bond Register and shall authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of authorized denominations of the same maturity and interest rate for the aggregate amount which the registered owner is entitled to receive at the earliest practicable time. The 1994 Bonds may be exchanged for a like aggregate principal amount of 1994 Bonds of other authorized denominations, of the same maturity and interest rate.

The Township and the Paying Agent shall not be required: (a) to issue or transfer or exchange any Bond during a period beginning at the close of business on the Regular Record Date next preceding any Interest Payment Date and ending at the close of business on the Interest Paying Date; or (b) to issue or transfer or exchange any Bond then considered for redemption during the period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of such 1994 Bonds to be redeemed and ending at the close of business on the day on which the notice of redemption is advertises; or (c) to transfer or

exchange any portion of any 1994 Bond selected for redemption until after the redemption date.

The Township and the Paying Agent may deem and treat the person in whose names the 1994 Bonds shall be registered as the absolute owners thereof for all purposes, whether such 1994 Bonds shall be overdue or not, and payment of the principal of, premium, if any, on and/or interest on the 1994 Bonds shall be made only to or upon the order of the registered owners thereof or their legal representatives, but such registration may be changed, as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon 1994 Bonds, to the extent of the sum or sums so paid, and neither the Township nor the Paying Agent shall be affected by any notice to the contrary.

Section 9. Execution. The 1994 Bonds shall be executed in the name of and in behalf of the Township by the facsimile signature of the President of the Board, and a facsimile of the official seal of the Township shall be affixed thereto and the facsimile signature of the Secretary of the Board shall be affixed thereto in attestation thereof; and said officers are authorized to execute and to attest the 1994 Bonds.

Section 10. Authentication. No bond constituting one of the 1994 Bonds shall be entitled to any benefit under this Ordinance nor shall it be valid, obligatory or enforceable for any purpose until such bond shall have been authenticated by the Certificate of Authentication endorsed thereon duly signed by the Paying Agent; and the Paying Agent is authorized to register and authenticate the 1994 Bonds, in accordance with the provisions hereof.

Section 11. General Obligation Covenant. The 1994 Bonds, when issued, will be general obligations of the Township. The Township covenants to and with registered owners, from time to time, of the 1994 Bonds which shall be outstanding, from time to time, pursuant to this Ordinance, that the Township: (i) shall include the amount of the debt service for the 1994 Bonds, for each fiscal year of the Township in which such sums are payable, in its budget for that fiscal year, (ii) shall appropriate such amounts from its general revenues for the payment of such debt service, and (iii) shall duly and punctually pay or cause to be paid from its Sinking Fund (hereinafter identified) or any other of its revenues or funds the principal of each of the 1994 Bonds and premium thereon, if any, and the interest thereon at the date and place and in the manner stated therein, according to the true intent and meaning thereof; and, for such budgeting, appropriate and payment, the Township shall and does pledge, irrevocably, its full faith, credit and taxing power.

As provided in the Act, the foregoing covenant of the Township shall be specifically enforceable.

The amount of debt service which the Township hereby covenants to pay on the 1994 Bonds in each year is shown on Exhibit B which is attached hereto and incorporated herein by reference as if set out here at length.

The Township covenants to make payments out of the Sinking Fund, or out of any other of its revenues or funds, at such times and in such annual amounts, as shall be sufficient for prompt and full payment of all obligations of the 1994 Bonds when due.

Section 12. Redemption.

Option Redemption. The 1994 Bonds maturing on and after September 1, 2004 shall be subject to redemption prior to maturity at the option of the Township, in whole or in part, in such order of maturity as is selected by the Township, and within maturity by lot, on March 1, 2004 or on any date thereafter.

Mandatory Redemption. The 1994 Bonds maturing on September 1, 2011, are subject to mandatory redemption at a redemption price equal to 100% of the 1994 Bonds redeemed, plus accrued interest to the redemption date, on each September 1, commencing September 1, 2009, from sinking fund installments in each of the years and in the amounts as follows:

Year	Principal Amount
2009	$160,000
2010	170,000
2011*	180,000

* Final Maturity

If any of the 1994 Bonds is of a denomination larger than $5,000, a portion of such 1994 Bond may be redeemed, but such 1994 Bond shall be redeemed only in $5,000 portions of its denomination or any integral multiple thereof. For the purpose of selecting any of the 1994 Bonds for redemption, each of the 1994 Bonds subject to redemption shall be treated as representing that number of 1994 Bonds which is obtained by dividing the denomination thereof by $5,000, each $5,000 portion thereof being subject to redemption. In the case of partial redemption of any of the 1994 Bonds, payment of the redemption price will be made only upon surrender of such 1994 Bond in exchange for 1994 Bonds of authorized denominations in aggregate amount equal to the unredeemed portion thereof.

Notice of any redemption, as hereinbefore authorized, shall be given by the Paying Agent in the name of the Township by mailing a notice of any redemption of 1994 Bonds hereunder by registered or certified mail, to the holders of all 1994 Bonds to be redeemed at the registered addresses appearing in the Bond Register. Each such notice shall (i) be mailed at least 30 days and not more than 60 days prior to the redemption date, (ii) identify the 1994 Bonds to be redeemed (specifying the CUSIP numbers, if any, assigned to the 1994 Bonds), (iii) specify the redemption date and the redemption price, and (iv) state that on the redemption date the 1994 Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent, that from that date interest will cease to accrue and that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or on the 1994 Bonds. No defect affecting any 1994 Bond, whether in the notice of redemption or mailing thereof (including any failure to mail such notice), shall affect the validity of the proceedings for redemption for any 1994 Bond with respect to which notice was properly given.

In addition to the foregoing notice, further notice shall be given by the Paying Agent (either as a separate notice or as part of the notice above) as set out below, unless in the opinion of the Paying Agent such further notice will be unnecessary to insure receipt of notice of redemption by all Bondholders. No defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

(i) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all 1994 Bonds being redeemed; (B) the date of issue of the 1994 Bonds as originally issued; (C) the rate of interest borne by each 1994 Bond being redeemed; (D) the maturity date of each 1994 Bond being redeemed; and (E) any other descriptive information needed to identify accurately the 1994 Bonds being redeemed.

(ii) Each further notice of redemption shall be sent at least 35 days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the 1994 Bonds (such depositories now being Depository Trust Company of New York, New York, Midwest Securities Trust Company of Chicago, Illinois, Pacific Securities Depository Trust Company of San Francisco, California and Philadelphia Depository Trust Company of Philadelphia, Pennsylvania)

and to one or more national information services that disseminate notices of redemption of obligations such as the 1994 Bonds (such as The Wall Street Journal).

(iii) Each such further notice shall be published one time in The Bond Buyer of New York, New York and in a newspaper published and of general circulation in the Township, or, if such publication is impractical or unlikely to reach a substantial number of the holders of the 1994 Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the 1994 Bonds, such publication to be made at least thirty (30) days prior to the date fixed for redemption.

On the date designated for redemption, notice having been given as aforesaid, and money for payment of the principal, premium, if any, and accrued interest being held by the Paying Agent, interest on the 1994 Bonds or portions thereof so called for redemption shall cease to accrue and the 1994 Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security under this Ordinance, and registered owners of the 1994 Bonds or portions thereof so called for redemption shall have no rights with respect thereto, except to receive payment of the principal to be redeemed and accrued interest thereon to the date fixed for redemption, together with the redemption premium, if any.

Section 13. Sinking Fund.

(a) Deposit. There is hereby created, pursuant to Section 1001 of the Act, a sinking fund for the 1994 Bonds, to be known as "Township of Wilkins, General Obligation Bonds, Series of 1994" (the "1994 Sinking Fund"), which 1994 Sinking Fund shall be administered in accordance with applicable provisions of the Act. The Township covenants, and the Treasurer of the Township or other appropriate officer or official is hereby authorized and directed, to deposit into the 1994 Sinking Fund (A) on or before March 1, 1995 and on or before each March 1 and September 1 thereafter to and including September 1, 2011, inclusive, amounts sufficient to pay the interest due on such dates on the 1994 Bonds then outstanding, and (B) on or before September 1, 1995 and on each September 1 thereafter to and including September 1, 2011, amounts sufficient to pay the outstanding principal of the 1994 Bonds maturing on each such date.

(b) Credit. The Township may satisfy all or any part of its obligations with respect to clause (i) above by delivering to the Paying Agent, as sinking fund depositary, for cancellation, the 1994 Bonds owned by it maturing on the date on which such deposit is required. Upon delivery of such 1994 Bonds,

the Township shall receive a credit against such deposit in an amount equal to the face amount of the 1994 Bonds so delivered.

(c) Application of Funds. All sums in the Sinking Fund shall be applied exclusively to the payment of the principal of and interest on the 1994 Bonds as the same shall become due and payable. The balance of said moneys in excess of the required sum shall remain in the 1994 Sinking Fund, such balance to be applied to the reduction of future required deposits; subject, however, to investment or deposit at interest as authorized by law and permitted by Section 14 hereof, to the extent that such investment or deposit can be made without causing the 1994 Bonds to become "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), which investments or deposits and the interest thereon shall be held exclusively for the purposes of the 1994 Sinking Fund, as aforesaid. The Paying Agent, without further authorization other than as herein contained, shall pay from the moneys in the 1994 Sinking Fund to the registered owners, the interest and premium, if any, on and the principal of the 1994 Bonds, as and when due.

Section 14. Investment. All moneys in the 1994 Sinking Fund created hereby not required for prompt expenditure may be invested in bonds or obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States of America or may be deposited in time accounts or certificates of deposit or other interest bearing accounts of any bank or bank and trust company, savings and loan association or building and loan association. To the extent that such deposits are insured by the Federal Deposit Insurance Corporation or a similar federal agency, they need not be secured. Otherwise, such deposits shall be secured as public deposits, except that moneys held by the Paying Agent as sinking funds depositary may be secured as trust funds. Any such investments or deposits shall mature or be subject to redemption at the option of the owner, or be subject to withdrawal at the option of the depositor, not later than the date upon which such moneys are required to be paid to the registered owners of the bonds.

Section 15. Disposition of Proceeds. All moneys derived from the sale of the 1994 Bonds shall be deposited into the Clearing Account created pursuant to Section 16 hereof and shall be and hereby are appropriated substantially to the payment of the costs of the Project, including but not limited to payment of the costs and expenses of preparing, issuing and marketing the 1994 Bonds, and shall not be used for any other purposes, except as to any insubstantial amounts of money which may remain after fulfilling the purposes set forth herein, which insubstantial amounts or remaining moneys shall promptly upon their determination

be deposited in the 1994 Sinking Fund and used for the payment of interest on the 1994 Bonds.

Section 16. Clearing Account. The Township hereby establishes with the Paying Agent a special fund to be known as the Township of Wilkins Series 1994 Clearing Account (the "Clearing Account") which shall be held as a trust fund for the benefit of the registered owners of the 1994 Bonds until disbursed in accordance with the provisions hereof. The Township shall deliver the net proceeds (including accrued interest) derived from the sale of the 1994 Bonds to the Paying Agent for deposit to the Clearing Account. Upon written directions from the Township, signed by the proper officials of the Township including, without limitation, the Manager of the Township, the Paying Agent shall pay, out of the Clearing Account, the costs and expenses of issuance of the 1994 Bonds, shall transfer the amount of accrued interest to the 1994 Sinking Fund and deposit the specified amounts to the Project Fund. The written directions of the Township shall state the names of the respective payees, the purpose for which the expenditure has been incurred, or the purpose of the transfer, whichever is applicable, and shall contain a certification that each item of expense for which payment has been requested has been properly incurred and is then unpaid, and that each transfer which is requested is in accordance with the provisions of this Ordinance.

Section 17. Payment of Expenses. All expenses incurred in connection with the issuance of the 1994 Bonds shall be paid out of the proceeds derived from the issuance and sale of the 1994 Bonds and deposited in the Clearing Account and the proper officers and officials are authorized to sign and deliver requests for payment of such expenses.

Section 18. Internal Revenue Code Covenants.

(a) General. The Township hereby covenants that: (i) it shall at all times do and perform all acts and things necessary or desirable in order to assure that interest paid on the 1994 Bonds shall, for purposes of federal income taxation, be and remain excludable from the gross income of the recipients thereof and that it will refrain from doing or performing any act or thing that will cause such interest not to be so excludable; (ii) it will not make any investment or other use of the proceeds (as that term is defined in Section 148 of the Code and all applicable regulations promulgated thereunder) of the 1994 Bonds which would cause the 1994 Bonds to be "arbitrage bonds" (as that term is defined in Section 148 of the Code and all applicable regulations promulgated thereunder), and that it will comply with the requirements of such Code section and regulations throughout the term of the 1994 Bonds.

(b) Rebate. The Township hereby covenants that it will rebate to the United States Treasury Department, at the times, in the manner and in the amounts required by Section 148 of the Code, income derived from investing the proceeds of the 1994 Bonds at a yield in excess of the yield on the 1994 Bonds.

(c) Filing. The Township hereby covenants to file or to cause to be filed Internal Revenue Service Form 8038-G and any other forms or information required by the Code to be filed in order to permit the interest on the 1994 Bonds to be excluded from gross income for federal income tax purposes.

Section 19. Costs and Realistic Useful Life. The estimated useful life of the capital projects financed with the 1994 Bonds is at least thirty (30) years. Since the 1994 Bonds will mature on or before September 1, 2011, the maturities of the 1994 Bonds are in accordance with Section 602(a) of the Debt Act.

Section 20. Advertising. The action of the officers of the Township in advertising a summary of this Ordinance, as required by law, is ratified and confirmed. The officers of the Township, or any of them, are authorized and directed to advertise a notice of adoption of this Ordinance in a newspaper of general circulation in the Township within fifteen (15) days after final enactment. The Manager is hereby directed to make a copy of this Ordinance available for inspection by any citizen between the hours of 9:00 a.m. and 4:00 p.m., prevailing local time, on regular business days.

Section 21. Appointment of Professionals. The Township hereby appoints Thorp, Reed & Armstrong as Bond Counsel for the purpose of rendering any and all necessary opinions with respect to the 1994 Bonds.

Section 22. Filing With The Department of Community Affairs. The Board and the Township Manager, respectively, of the Township, which shall include their duly qualified successors in office, if applicable, are authorized and directed, as required, necessary and/or appropriate: (a) to prepare, verify, certify and file with the Department of Community Affairs (the "Department") the debt statement required by Section 410 of the Act; (b) to prepare and file with the Department any statements required by Article II of the Act that are necessary or desirable to qualify all or any portion of the debt of the Township that is subject to exclusion as self-liquidating or subsidized debt for exclusion from the appropriate debt limited of the Township as self-liquidating or subsidized debt; (c) to prepare and to file the application with the Department, together with a complete and accurate transcript of the proceedings for the required approval relating to the debt evidenced by the 1994 Bonds, as required by Section 411 of the Act; (d) to pay or to cause to be paid to the Department all proper

filing fees required in connection with the foregoing; and (e) to take other required, necessary and/or appropriate action.

The Manager is authorized and directed to prepare, to execute and to file the borrowing base certificate with the Department as required by Section 410 of the Act.

Section 23. General Authorization. The officers and officials of the Township are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effect the execution, issuance, sale and delivery of the 1994 Bonds and the acquisition of the Project, all in accordance with this Ordinance.

Section 24. Official Statements. The Preliminary Official Statement prepared with respect to the 1994 Bonds is hereby approved. The Board is hereby authorized to execute and approve a final Official Statement relating to the 1994 Bonds provided that the form thereof has been approved by the Township's Solicitor. The distribution of the Preliminary Official Statement is hereby ratified and the Purchaser is hereby authorized to use the Preliminary Official Statement and the final Official Statement in connection with the offer and sale of the 1994 Bonds.

Proper officials of the Township are authorized and directed to deliver the 1994 Bonds, but only after the Department has certified its approval pursuant to Section 804 of the Act.

Section 25. Project Fund.

(a) Mellon Bank, N.A. is hereby designated as a depositary for the funds of the Township and is authorized to accept for deposit in an account known as the "Township of Wilkins Project Fund" (the "Project Fund") in the name of the Township, subject to clearance or collection, moneys, checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of moneys which may at any time come into its possession, with or without endorsement thereof by the Township, payment thereof to the depositary being hereby guaranteed. The depositary hereinabove designated is authorized and directed to honor and pay, and to charge to the account of the Township, all checks, drafts, bills or exchanges, acceptances, notes or orders for the payment of money when drawn on or addressed to said depositary and signed and countersigned on behalf of the Township by either the Township Manager or other authorized officer whether the same be payable to the order of, or in favor of the officer or person signing or countersigning them, or to any of said officers in his individual capacity, or otherwise; and whether the same be deposited to the individual credit of the officer or person signing or countersigning them, or to any of said officers in his individual capacity, or otherwise; and whether the same be deposited to the

individual credit of the officer or person signing or countersigning or to the individual credit of any other officer or person or otherwise. The Township is authorized and directed to deliver a certified copy of this Ordinance to the depositary for the Project Fund. The depositary shall be entitled to rely on such certified copy until written notice of revocation shall have been received by it. The signatures of any or all of the foregoing officers may be manual or facsimile.

(b) The net proceeds of the 1994 Bonds allocable to the Project and to the costs of issuance of the 1994 Bonds shall be deposited to the credit of the Project Fund or, at the direction of the Township Manager or other authorized officer, to such other Township account or fund as may be appropriate. The Township shall pay the costs of issuing the 1994 Bonds, to the extent not previously paid, and the costs of the Project out of the Project Fund, or such other appropriate fund to which such proceeds shall have been deposited.

Section 26. Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

Section 27. Bond Form. The form of the 1994 Bonds, the form of the Paying Agent's Certificates to be endorsed thereon and the form of Assignment shall be respectively and substantially as follows, with appropriate insertions and variations:

[FACE OF BOND]

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
TOWNSHIP OF WILKINS
GENERAL OBLIGATION BOND, SERIES OF 1994

No. _____ $_____

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP

REGISTERED OWNER:

PRINCIPAL AMOUNT:

THE TOWNSHIP OF WILKINS, County of Allegheny, Commonwealth of Pennsylvania (the "Township"), a county existing under laws of the Commonwealth of Pennsylvania (the "Commonwealth"), for value received, promises to pay to the registered owner named above, or registered assigns, on the maturity date stated above, unless this General Obligation Bond, Series of 1994 (the "Bond") shall have previously been called for redemption and payment of the redemption price made or provided for, upon presentation and surrender hereof, the principal amount specified hereon, and to pay semiannually on March 1 and September 1 of each year, beginning September 1, 1995 (each an "Interest Payment Date") to the registered owner hereof, interest on said principal sum, at the rate per annum stated hereon, from the Interest Payment Date next preceding the date of authentication of this Bond, unless this Bond is authenticated as of an Interest Payment Date, in which event this Bond shall bear interest from such Interest Payment Date, or unless this Bond is authenticated prior to September 1, 1995, in which event this Bond shall bear interest from June 15, 1994, or unless, as shown by the records of the Paying Agent (hereinafter identified), interest on this Bond shall be in default, in which event this Bond shall bear interest from the date on which interest was last paid on this Bond, until said principal sum is paid.

The interest on this Bond, which is payable by check drawn on Mellon Bank, N.A. (the "Paying Agent"), the principal corporate trust office of which is located in the City of Pittsburgh, Allegheny County, Pennsylvania, as paying agent, or its successor, and the principal of this Bond, which is payable upon surrender, are payable in lawful money of the United States of America at the principal corporate trust office of the Paying Agent. Payment of the interest hereon shall be made to the

registered owner hereof whose name and address shall appear, at the close of business on the fifteenth (15th) day of the month (whether or not a business day) next preceding each interest payment date (the "Regular Record Date"), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of this Bond subsequent to such Regular Record Date and prior to such Interest Payment Date, unless the Township shall be in default in payment of interest due on such Interest Payment Date. In the case of an interest payment to any registered owner of $1,000,000 or more in aggregate principal amount of Bonds as of the close of business of the Paying Agent on the Regular Record Date for a particular Interest Payment Date, such payment may be made by wire transfer to any designated account in a member bank of the Federal Reserve System as of the close of business on such Interest Payment Date upon written request from such registered owner, which written request is received not less than ten (10) days prior to such Regular Record Date. In the event of any default in payment of interest due on such Interest Payment Date, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owner of this Bond not less than ten (10) days preceding such special record date. Such notice shall be mailed to the person in whose name this Bond is registered at the close of business on the fifth (5th) day preceding the date of mailing.

This 1994 Bond is one of a series of bonds of the Township, known generally as "General Obligation Bonds, Series of 1994" (the "1994 Bonds"), stated to mature on September 1 of each of the years 1995 through 2011, both inclusive, in the aggregate principal amount of One Million Three Hundred Fifty Thousand Dollars ($1,350,000).

The 1994 Bonds have been authorized for issuance in accordance with provisions of the Local Government Unit Debt Act (the "Act") of the Commonwealth and by virtue of a duly enacted ordinance (the "Ordinance") of the Township. The Act, as such shall have been in effect when the 1994 Bonds were authorized, and the Ordinance shall constitute a contract between the Township and registered owners, from time to time, of the 1994 Bonds.

The Township has covenanted, in the Ordinance, to and with registered owners, from time to time, of the 1994 Bonds that shall be outstanding, from time to time, pursuant to the Ordinance, that the Township: (i) shall include the amount of the debt service for the 1994 Bonds, for each fiscal year of the Township in which such sums are payable, in its budget for that fiscal year, (iii) shall appropriate such amounts from its general revenues for the payment of such debt service, and (iii) shall duly and punctually pay or cause to be paid from the sinking fund

established under the Ordinance or any other of its revenues or funds, the principal of each of the 1994 Bonds and the interest thereon at the dates and place and in the manner stated therein, according to the true intent and meaning thereof; and, for such budgeting, appropriation and payment, the Township has pledged and does pledge, irrevocably, its full faith, credit and taxing power.

OTHER TERMS AND PROVISIONS OF THIS 1994 BOND ARE CONTINUED ON THE REVERSE HEREOF AND SUCH CONTINUED TERMS AND PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

This 1994 Bond shall not be entitled to any benefit under the Ordinance nor shall it be valid, obligatory or enforceable for any purpose until this Bond shall have been authenticated by the Paying Agent.

IN WITNESS WHEREOF, the Township has caused this Bond to be executed in its name by the facsimile signature of the President of the Board of Commissioners, and a facsimile of its seal to be affixed hereto and the facsimile signature of the Secretary of the Board of Commissioners to be affixed hereto in attestation thereof, all as of June 15, 1994.

TOWNSHIP OF WILKINS,
COMMONWEALTH OF PENNSYLVANIA

By: Michael J. Madden
President of Board of Commissioners

ATTEST:

By: Lisa Tagliari
Secretary of Board of Commissioners

(SEAL)

CERTIFICATE OF AUTHENTICATION

This 1994 Bond is one of the 1994 Bonds described in the within mentioned Ordinance. The text of the Opinion printed upon this 1994 Bond is a true and correct copy of the text of the opinion issued by Thorp, Reed & Armstrong, dated and delivered on the date of the original delivery of and payment for such 1994 Bonds, an executed counterpart of which is on file with the undersigned.

MELLON BANK, N.A.,
Paying Agent

By:
Authorized Representative

Date of Authentication:

(REVERSE SIDE OF BOND)

The 1994 Bonds are issuable only in the form of registered bonds, without coupons, in the denominations of $5,000 principal amount or any integral multiple thereof. The Township and the Paying Agent shall not be required (a) to issue or transfer or exchange any Bond during a period beginning at the close of the business on the Regular Record Date next preceding any Interest Payment Date and ending at the close of the business on the Interest Payment Date; or (b) to issue or transfer or exchange any Bond then considered for redemption during a period beginning at the close of the business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is advertised; or (c) to transfer or exchange any portion of any Bond selected for redemption until after the redemption date.

Bonds may be exchanged for alike aggregate principal amount of Bonds of other authorized denominations, of the same maturity and interest rate.

The Bond may be transferred or exchanged by the registered owner hereof upon surrender of this Bond to the Paying Agent, at its principal corporate trust office, accompanied by a written instrument or instruments in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner of this Bond or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of this Bond in the books for the registration, exchange and transfer of Bonds (the "Bond Register") and shall authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of authorized denominations of the same maturity and interest rate for the aggregate amount which the registered owner is entitled to receive at the earliest practicable time. The Township and the Paying Agent may deem and treat the registered owner hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the Township and the Paying Agent shall not be affected by any notice to the contrary.

The 1994 Bonds are subject to redemption prior to maturity as follows:

Redemption.

Option Redemption. The 1994 Bonds maturing on or after September 1, 2004 shall be subject to redemption prior to maturity at the option of the Township, in whole or in part, in such order

of maturity as is selected by the Township, and within maturity by lot, on September 1, 2004, or on any date thereafter.

Mandatory Redemption. The 1994 Bonds maturing on September 1, 2011, are subject to mandatory redemption at a redemption price equal to 100% of the 1994 Bonds redeemed, plus accrued interest to the redemption date, on each September 1, commencing September 1, 2009, from sinking fund installments in each of the years and in the amounts as follows:

Year	Principal Amount
2009	$160,000
2010	170,000
2011*	180,000

* Final Maturity

If any of the 1994 Bonds is of denomination larger than $5,000, a portion of such 1994 Bond may be redeemed, but such 1994 Bond shall be redeemed only in $5,000 portions of its denomination or any integral multiple thereof. For the purpose of selecting any of the 1994 Bonds for redemption, each of the 1994 Bonds subject to redemption shall be treated as representing that number of 1994 Bonds which is obtained by dividing the denomination thereof by $5,000, each $5,000 portion thereof being subject to redemption. In the case of partial redemption of any of the 1994 Bonds, payment of the redemption price will be made only upon surrender of such bond in exchange for 1994 Bonds of authorized denominations in an aggregate amount equal to the unredeemed portion thereof.

Notice of any redemption, as hereinbefore authorized, shall be given by the Paying Agent in the name of the Township by mailing a notice of any redemption of Bonds hereunder by registered or certified mail, to the holders of all Bonds to be redeemed at the registered addresses appearing in the Bond Register. Each such notice shall (i) be mailed at least 30 days and not more than 60 days prior to the redemption date, (ii) identify the 1994 Bonds to be redeemed (specify the CUSIP numbers, if any, assigned to the 1994 Bonds), (iii) specify the redemption date and the redemption price, and (iv) state that on the redemption date the 1994 Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent, that from that date interest will cease to accrue and that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or on the 1994 Bonds. No defect affecting any 1994 Bond, whether in the notice of redemption or mailing thereof (including any failure to mail such notice), shall affect the validity of the proceedings for redemption for any 1994 Bond with respect to which notice was properly given.

It hereby is certified that: (i) all acts, conditions and things required to be done, to happen or to be performed as conditions precedent to and in issuance of this Bond or in creation of the debt of which this Bond is evidence have been done, have happened or have been performed in due and regular form and manner, as required by law; and (ii) the debt represented by this Bond, together with any other indebtedness of the Township, is not in excess of any limitation imposed by the Act upon the incurring of debt by the Township.

The Township, in the Ordinance, has established a sinking fund with the Paying Agent, as the sinking fund depositary, into which funds for the payment of the principal of, premium, if any, and the interest on the 1994 Bonds shall be deposited not later than the date fixed for the disbursement thereof. The Township has covenanted, in the Ordinance, to make payments from such sinking fund or from any other of its revenues or funds, at such times and in such annual amounts, as shall be sufficient for prompt and full payment of all obligations of this 1994 Bond.

[ADD BOND INSURANCE LANGUAGE]

(FORM OF ASSIGNMENT)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ (please print or typewrite name, address and social security number or taxpayer identification number of transferee) the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ Attorney to transfer the within Bond on the books kept for registration of substitution in the premises.

_____
Assignor(s)

NOTICE: The signature(s) to this assignment must correspond with the name(s) as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

_____
NOTICE: Signature(s) must be guaranteed by a member firm of a major stock exchange or a commercial bank or trust company.

ORDINANCE NO. 855

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING A POLICY FOR COLLECTION OF ASSESSMENTS IMPOSED FOR SANITARY SEWER PROJECTS.

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION I. Assessments made against properties as a result of the construction of sanitary sewer projects, whether assessed according to the foot-front rule or by Board of View, shall be due and payable in four (4) equal quarterly installments, the first installment due and payable on the sixtieth (60th) day after the amount of assessment is set by ordinance or by Board of View. No interest shall be applied to the assessment.

SECTION II. Property owners qualifying as low and moderate income households may elect to pay assessments in twelve (12) equal quarterly installments, the first installment due and payable on the sixtieth (60th) day after the amount of assessment is set by ordinance or Board of View. No interest shall be applied to the assessment.

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SECTION III. Income for purposes of this Ordinance shall mean income reported as total income on the U.S. individual tax returns for the household members in the year immediately preceding the year the assessment is levied.

SECTION IV. A low and moderate income household for purposes of this Ordinance shall be a household with income as follows:

1 Person	$20,550.00
2 Persons	23,500.00
3 Persons	26,400.00
4 Persons	29,350.00
5 Persons	31,700.00
6 Persons	34,050.00
7 Persons	36,400.00
8 Persons	38,750.00

SECTION V. 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 subject tax year shall file with the Township copies of U.S. individual income tax returns, which copies shall not be shown to any person not required to administer this Ordinance.

SECTION VI. In the event any property owner electing to pay an assessment under either of the installment plans herein provided shall fail to pay an installment in full when due, the entire balance shall become due, with interest, at 12% per annum and penalty as provided by law.

SECTION VII. The Township Manager shall give notice of assessments due together with a copy of this Ordinance by mailing same at the last known address of the owner as shown in the real estate tax duplicate issued for the current year; said notice to be mailed forthwith when the assessment is set.

SECTION VIII. It shall be the duty of the Township Solicitor to file municipal liens as required by law in time to prevent loss of the assessment by conveyance prior to collection of the assessment and upon non-payment to collect the assessment penalty and interest in the manner provided by law for the collection of municipal liens.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 27th day of June, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
President of the Board of Commissioners

ATTEST:

Ass't. Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 856

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 in the Upper Gardenia Sanitary Sewer District ordained by Ordinance No. 840.

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 VOLUME & PAGE
Carmen J. Biondo	454-E-12	7384, p. 593
John W. Elton & Agnes M. Elton, his wife	454-A-98	3045, p. 581
Mohammad Ilyas	454-A-109	7406, p. 414
Alan T. Middlemiss & Patricia H. Middlemiss, his wife	454-E-10	8221, p. 90
Gertrude Carol Stevenson	454-A-96	6119, p. 447

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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 Township Secretary, where same may be examined by any interested person.

SECTION 4. The proper Township agents and employees shall attempt to obtain the necessary 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 27th day of June, 1994.

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS

By Michael J. Madden
President of the Board of Commissioners

TOWNSHIP OF WILKINS
ORDINANCE NO. 857

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 in the Churchill Area Sanitary Sewer District ordained by Ordinance No. 839.

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.

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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 VOLUME & PAGE
Stephanie L. Greenberg and Ronald E. Greenberg, her husband (Titled in Stephanie L. Benson)	453-F-398	6676, page 575
Stanford G. Davis and Marian Davis, his wife	453-F-334	6127, page 799
Stanford G. Davis and Marian U. Davis, his wife, and Stephen F. Kuznetsov and Judith L. Kuznetsov, his wife	453-F-329	8400, page 261

	Deed Registry Block & Lot	Deed Book Volume & Page
John E. Diaddigo and Deborah A. Diaddigo, his wife	453-E-14	5658, page 411
Edgewood County Club	453-E-20	3494, page 261
Walter John Forrest and Katherine A. Forrest, his wife	453-F-372; 453-F-373; & 453-F-374	7869, page 005
Jodi M. Gibbon	453-K-146	7941, page 611
James G. Hitt, Jr. and Kathy S. Piatt-Hitt, his wife	453-E-6	9002, page 121
Alan Holzer and Leslee R. Holzer, his wife	453-F-394	4785, page 501
Carl H. Janthey and Elsie M. Janthey, his wife	453-G-40	3366, page 125
Stephen B. Kuznetsov and Judith L. Kuznetsov, his wife	453-F-338	8285, page 436
Gilbert W. McCreery and Patricia A. McCreery, his wife	453-E-10	4823, page 269
Mellon National Bank	453-F-354	4988, page 596
Charles C. Shultz	453-E-02	7207, page 280
Michael B. Sovic and Madeline M. Sovic, his wife	453-F-392	4451, page 357
Mary Lois Waskiewicz	453-G-200	8458, page 354

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 Township Secretary, where same may be examined by any interested person.

SECTION 4. The proper Township agents and employees shall attempt to obtain the necessary 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 25th day of July, 1994.

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS

By: Michael J. Madden
President of the Board of Commissioners

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V E R I F I C A T I O N

I verify that the statements made in the annexed Declaration of Taking are true and correct to the best of my information, knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

By_____
Bruce D. Jamison
Manager
Township of Wilkins

ORDINANCE NO. 858

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
PROVIDING FOR A BUDGETARY RESERVE ACCOUNT
PURSUANT TO ACT 77 OF 1993

The Township of Wilkins Ordains as Follows:

Section I. Pursuant to Section 3156 B of Act 77 of 1993, a budgetary reserve account is hereby established for the purpose of retaining disbursements received by the Township of Wilkins, during calendar year 1994, of tax moneys under Section 3157-B of Act 77.

Section II. The money disbursed to the Township shall be retained in the budgetary reserve account, without lapsing, for use during unanticipated emergencies during fiscal year 1995 or thereafter.

Section III. Unanticipated emergency is defined as any of the following:

(a) Unexpected costs resulting from breakage, damage or malfunction of any municipality owned structure, utility, road, property or improvement;

(b) Unexpected costs incurred because of unusual weather conditions or personnel requirements arising from injury, illness or other unexpected reasons;

(c) Exhaustion of the funds budgeted for an individual item in any fiscal year.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 8TH day of August, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
President,
Board of Commissioners

ATTEST:

Assistant Secretary

MNB050

ORDINANCE NO. 859

TOWNSHIP OF WILKINS, ALLEGHENY COUNTY

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING THE COMPENSATION OF THE TOWNSHIP MANAGER

SECTION I. The annual compensation of the Township Manager shall be set at $38,000 effective June 27, 1994.

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 public meeting held this 29th day of August, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
Michael J. Madden
President
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

MNB050

ORDINANCE NO. 860

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING CONNECTIONS TO THE PUBLIC SEWAGE SYSTEMS REQUIRING A PERMIT TO CONNECT TO THE PUBLIC SEWAGE SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS

The Township of Wilkins ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 860

MNB050

ORDINANCE NO. 860

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING CONNECTIONS TO THE PUBLIC SEWAGE SYSTEMS; REQUIRING A PERMIT TO CONNECT TO THE PUBLIC SEWAGE SYSTEM AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Township of Wilkins hereby ordains:

Definitions

Section 101. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

TOWNSHIP - the Township of Wilkins.

BUILDING DRAIN - part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste and other drainage pipes, inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER - piping carrying liquid wastes from a building to the treatment or holding tank or to the public sewer main.

PRIVATE SEWAGE SYSTEM - any system, privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage.

ENFORCEMENT OFFICER - a person or agency appointed to perform inspections and issue permits in connection with individual sewage systems and community sewage systems.

PERSON - any natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

PUBLIC SEWAGE SYSTEM - sewer system owned, operated, or maintained by the Township.

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

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

Section 102. 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 note more than one thousand dollars ($1,000.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this ordinance continues shall constitute a separate offense. The Township may seek equitable relief in the Court of Common Pleas.

Section 103. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: Ordinance 306.

Section 104. 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 Township of Wilkins that this ordinance would have bene adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Required Connections to Public Sewage System

Section 201. Requirement to Connect to Public Sewer. All property owners whose building drain or existing building sewer or existing septic tank are within two hundred fifty (250) feet of any public sewer line shall be required to connect thereto.

(a) Persons claiming exemption under the two hundred fifty (250) foot distance requirement of this section shall file an application for exemption with the Township containing a survey indicating the location of the buildings to be exempted and the distance from the public sewer to the building drain, building sewer or septic tank.

(b) The application shall contain a report [dated within sixty (60) days] by a registered engineer, certified sewage enforcement officer, or other person deemed qualified by the Allegheny county Health Department, which report includes a dye test and establishes that the private sewage disposal system is functioning in accordance with regulations of the Allegheny County Health Department.

(c) A report as set forth in (b) above shall be delivered to the Township every six (6) months after approval of the exemption application.

(d) Upon failure to file a report or upon failure of the private system to comply with Allegheny County Health Department regulations, connection to the public sewer shall be make within sixty (60) days.

Section 202. The Township May Make Connections and Collect Costs. If the owner of any property, after ninety (90) days' notice from the Enforcement Officer to make connection of such property with the public sewage system shall fail to make such connection, the Township may make the connection and collect the costs thereof in the manner provided by law.

Section 203. Owners Required to Connect upon Expansion of System. From time to time in the future, as public sewage services become available to additional properties within the Township by reason of additions to be public sewage system or improvements on abutting properties, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines, and any septic tanks, cess pools, holding tanks and similar devices connected to an individual sewage system shall be abandoned and filled with new material.

Section 204. Access to Premises by Agents. The enforcement Officer or his authorized agent, and agents of the Township shall have access at all reasonable hours of the day to all parts of the premises to which sewage service is supplied to make necessary inspections.

Connection Permits and Specifications

Section 301. Permit Required to Open or Disturb Sewer. No unauthorized person shall uncover, make any connection or opening into, use, alter or disturb any part of the public sewage system or appurtenance thereto without first obtaining a permit from the Enforcement Officer.

Section 302. Sewer Permit Fees. Before making a connection with the sewer system, each property owner shall make a written application therefor in the manner prescribed by the Enforcement Officer and pay a permit fee established pursuant to a Resolution of the Township Board of Commissioners.

Section 303. Owner Responsible for Connection Costs. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 304. Separate Connections Required; Exception. A separate and independent building sewer shall be provided for every building. Exceptions to this provision shall be made where one building stands to the rear of another on an interior lot and no sewer line is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, in which case the building sewer from the front building may be extended to the rear building only on approval by the Enforcement Officer and the Allegheny County Health Department. Such connection of the two buildings to the sewer lines shall be considered as two building sewers.

Section 305. Status of Old Building Sewers. Old building sewers may be used in connection with a building only when such connection is approved by the Enforcement

Officer and they meet the requirement of this ordinance or rules and regulations adopted pursuant hereto.

Section 306. Building Sewer Construction Requirements.

(a) All building sewers shall be constructed to meet the requirements of Article 15 of the Rules and Regulations of the Allegheny County Health Department as amended, supplemented and replaced and in force at the time an application for a connection permit is requested.

(b) All persons intending to make connection with the public sewage system shall, before beginning construction of a building sewer or making any connection, obtain a permit from the Allegheny County Health Department and submit to the inspections required by said Department.

(c) Materials and construction methods for installation of a building sewer shall conform to the Building Sewer and Lateral Sewer Detail prepared by Senate Engineering Company (as amended or supplemented from time to time) which is attached hereto and made a part hereof.

Section 307. Connection of building Sewer to Public Sewage System. the connection of the building sewer to the public sewerage system shall be made at the "Y" branch if such branch is available at a suitable location. If the public sewer line is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the Public sewer at the location specified by the Enforcement Officer. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot and cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the ont of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight be encasement in concrete. Special fittings may be used for the connection only when approved by the Enforcement Officer.

Section 308. Notification Prior to connection. The permit holder shall notify the Enforcement Officer when the building sewer is ready for inspection and connection with the public sewer, and the connection shall be made under his supervision.

Section 309. Failure to Obtain Inspection. Any connection to the Township sanitary sewer system which has been backfilled without receiving final inspection and approval of the building Inspector or Township Engineer or his authorized agent will be declared unsatisfactory and the owner will be required to uncover the trench for the necessary inspection and upon failure to do so the Township may do the necessary work and recover the cost thereof from such owner by a municipal claim or in an action of assumpsit, as provided by law or the Township may proceed against such owner as provided for violations in Section 102 hereof.

Section 310. Safety and Warning Facilities. All excavations for building sewer installation and connection shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Township Engineer.

Prohibited Discharges

Section 401. No person shall connect or cause to be connected with any of the public sewers in the Township, directly or indirectly any steam exhaust, boiler, blow-off, sediment drip, or any pipe carrying or constructed to carry hot water, or acid, germicide, grease, brewery mash, gasoline, naptha, benzine, oil or any other substance detrimental to sewers or to the operation of the sewerage system or sewage disposal plant used by the Township.

Section. 402. No downspouts or other pipes collecting storm water or water from underground springs and no privy vault, cess pool or similar receptacle for human excrement shall at any time now or hereafter be connected with any of the Township sewers, nor shall sewage from any property other than that for which a permit was issued.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township at a duty assembled public meeting held this 26th day of September, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
President, Board of Commissioners

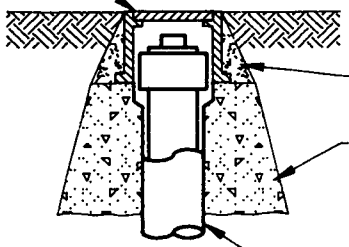
ATTEST:

Assistant Secretary

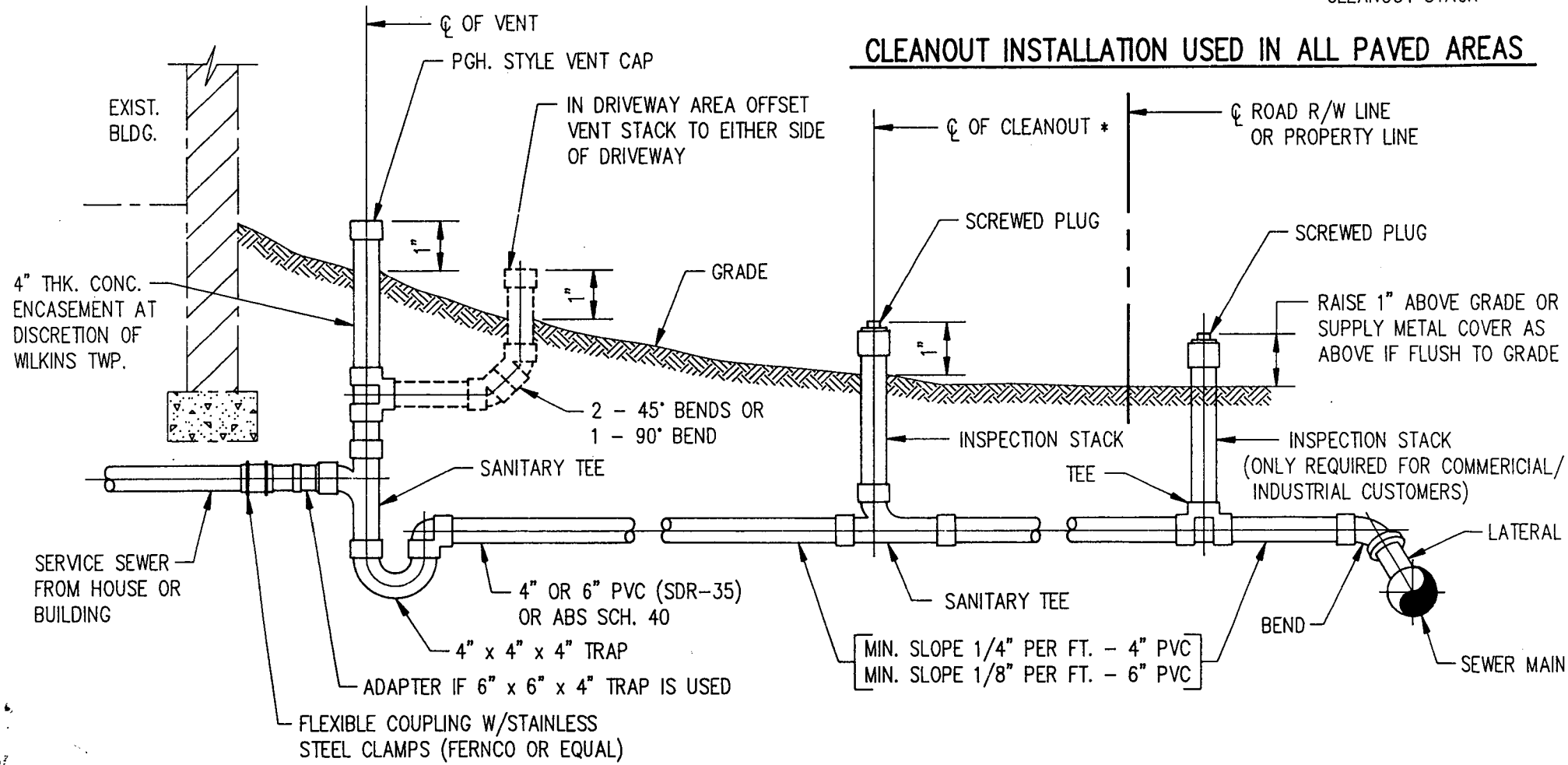
NOTE:
SDR-35 PVC PIPE MUST BE BEDDED AND SURROUNDED WITH SAND, GRANULATED SLAG OR PEA GRAVEL 6" MIN. THICKNESS BELOW PIPE.

* NOTE: CLEANOUT STACK TO BE INSTALLED EVERY 50' ON 4" DIA. LATERALS AND EVERY 100' ON 6" DIA. LATERALS.

CAST IRON FRAME AND COVER SUBJECT TO MOTOR VEHICLE LOADING SHALL BE: ALLEGHENY FOUNDRY FRAME PATT. No. 345 AND COVER No. 346 OR EQUAL



CLEANOUT INSTALLATION USED IN ALL PAVED AREAS



PREPARED BY: SENATE ENGINEERING CO.
[redacted]7/25/94

BUILDING SEWER AND LATERAL SEWER DETAIL

WI[redacted]SHIP

A 2854 01 [redacted]

[redacted]

ORDINANCE NO. 861

AN ORDINANCE OF THE TOWNSHIP OF WILKINS PROVIDING FOR THE ESTABLISHMENT OF A PROGRAM OF PROPERTY TAX RELIEF PURSUANT TO THE ALLEGHENY REGIONAL ASSET DISTRICT LAW (ACT 77 OF 1993)

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 861:

MNB050

TOWNSHIP OF WILKINS

ORDINANCE NO. 861

ORDINANCE OF THE TOWNSHIP OF WILKINS PROVIDING FOR THE ESTABLISHMENT OF A PROGRAM OF PROPERTY TAX RELIEF PURSUANT TO THE ALLEGHENY REGIONAL ASSET DISTRICT LAW (ACT 77 OF 1993)

WHEREAS, the Allegheny Regional Asset District Law, Pa. Stat. Ann. tit. 16, §6101-B et seq. (Act 77) requires that municipalities implement programs of property tax relief for longtime senior citizen owner/occupants of personal residences eligible for property tax rebates under current state law: and

WHEREAS, the (Commissioners) of the Township of Wilkins are desirous of establishing a program of property tax relief as mandated by Act 77.

NOW, THEREFORE, BE IT ORDAINED by the (Commission) of the Township of Wilkinsand it is hereby enacted pursuant to legal authority granted by the General Assembly of the Commonwealth of Pennsylvania pursuant to and Act 77 as follows:

TAX ASSESSMENT LIMITATION PROGRAM

Section 1 - Definitions

(a) Act 77 - The Act of December 22, 1993, Public Law 529, No. 77, codified as the Allegheny Regional Asset District Law, Pa. Stat. Ann. tit. 16, §6101-B et seq.

(b) Allegheny Regional Asset District Law - See the definition of "Act 77" above.

(c) Assessment - The fair market value of property as determined by the Board of Property Assessment, Appeals and Review of Allegheny County.

(d) Board of Commissioners -- the governing body of the Township of Wilkins.

(e) Department of Property Assessment - The Department of Property Assessment, Appeals, Review and Registry of Allegheny County.

(f) Eligible Taxpayer - A longtime owner/occupant of a principal residence in the Township of Wilkins who is: (1) a single person aged sixty-five (65) or older during a calendar year in which Township real property taxes are due and assessed; or (2) married persons if either spouse is sixty-five (65) or older during a calendar year in which Township real property taxes are due and assessed.

(g) Household Income - All income received by an eligible taxpayer while residing in his or her principal residence during a calendar year.

(h) Income - All income from whatever source derived, including but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of

any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State Unemployment Insurance laws and Veteran's Disability Payments, all interest received from the Federal or any state government or any instrumentality or political subdivision hereof, realized capital gains, rentals, workmens compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first five thousand dollars ($5,000) of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of Three Hundred Dollars ($300.00), but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate or inflation dividend.

(i) Longtime Owner/Occupant - Any person who for at least ten (10) continuous years has owned or has occupied the same dwelling place as a principal residence and domicile, or any person who for at least five (5) years has owned and occupied the same dwelling as a principal residence and domicile if that person received assistance in the acquisition of the property as part of a government or nonprofit housing program.

(j) Municipality -- the Township of Wilkins.

(k) Person - A natural person.

(l) Principal Residence - The dwelling place of a person, including the principal House and lot, and such lots as are used in connection therewith which contribute to its enjoyment, comfort and convenience; or a building with a maximum of one (1) commercial establishment and a maximum of three (3) residential units of which one (1) residential unit must be a principal residence of the longtime owner/occupant.

(m) Senior Citizens Rebate and Assistance Act - The Act of March 11, 1971, Public Law 104 No. 3, as amended, codified at Pa. Stat. Ann. tit. 72, §4751-1 et seq.

Section 2 - Limitation of Assessment for Eligible Taxpayers

All eligible taxpayers in the Township of Wilkins who are longtime owner/occupants shall be entitled to have the assessment on his or her principal residence maintained at or limited to the amount determined by the Department of Property Assessment for the calendar year 1993 if the eligible taxpayer meets the household income limits for qualification for any amount of property tax rebate under the Senior Citizens Rebate and Assistance Act.

Section 3 - Participation in Limitation of Tax Assessment Program

Any person paying property taxes in the Township of Wilkins may apply to participte in the assessment limitation program authorized under this Ordinance. In order to be eligible to participate in the program, the person must meet the following conditions:

(a) The person must be a single person aged sixty-five (65) or older; or be married persons with either spouse being sixty-five (65) years of age or older.

(b) The person must be a longtime owner/occupant; and

(c) The property owned by the person must be the principal residence and domicile of the resident.

(d) The person's household income must qualify him or her to receive any amount of property tax rebate under the Senior Citizens Rebate and Assistance Act.

Section 4 - Rules and Regulations

The Department of Property Assessment and the Township's (Manager/Assistant Secretary) shall have the authority to issue rules and regulations with respect to the administration of the limitation of tax assessment program established under this Ordinance. Such rules and regulations shall include, but not be limited to,

reasonable proof of household income, proof of residence, proof of qualification for or receipt of a property tax rebate under the Senior Citizens Rebate and Assistance Act and any other reasonable requirements and conditions as may be necessary to operate the tax assessment limitation program.

EFFECTIVE DATE AND REPEALER

Section 1 - Effective Date

This Ordinance shall enter into effect on January 1, 1995.

Section 2 - Repealer

Any and all previous Ordinances which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of December, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden

President, Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

ORDINANCE NO. 862

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
REGULATING THE DISCHARGE OF WASTE
MATERIALS INTO SEWERS OF THE TOWNSHIP OF WILKINS

THE TOWNSHIP OF WILKINS Ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 862

MNB050

Township of Wilkins

Ordinance Number 862

AN ORDINANCE - REGULATING THE DISCHARGE OF WASTE MATERIALS INTO SEWERS OF THE TOWNSHIP OF WILKINS; PROHIBITING THE DISCHARGE THERE INTO OF WASTES WHICH MAY DAMAGE THE SEWERS OR OTHER FACILITIES OF THE TOWNSHIP OF WILKINS OR OF THE ALLEGHENY COUNTY SANITARY AUTHORITY; WHICH MAY INTERFERE WITH OR PASS THROUGH THE ALLEGHENY COUNTY SANITARY AUTHORITY SEWAGE TREATMENT PROCESS, OR WHICH MAY ENDANGER LIFE, HEALTH OR SAFETY, OR MAY VIOLATE LAWS, RULES OR REGULATIONS CONTROLLING THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTE AS PROMULGATED BY THE FEDERAL GOVERNMENT, THE COMMONWEALTH OF PENNSYLVANIA, THE COUNTY OF ALLEGHENY, THE OHIO VALLEY WATER SANITATION COMMISSION OR BY THE ALLEGHENY COUNTY SANITARY AUTHORITY; AND PROVIDING OF PENALTIES FOR VIOLATION.

WHEREAS, the Township of Wilkins (hereinafter called "Township") is a party to a long-term sewage service agreement with the Allegheny County Sanitary Authority (hereinafter called "ALCOSAN") whereby the sewers located in said Township connect to ALCOSAN sewers and ALCOSAN operates and maintains a Sewage Disposal System providing sewage treatment service for the sewage coming from the Township; and

WHEREAS, the discharge of certain wastes into /Township sewers could damage or clog not only the /Township's sewers but also the structures and other facilities of the ALCOSAN Sewage Disposal System, could interfere with the proper operation thereof or pass through the ALCOSAN Sewage Disposal System untreated; and

WHEREAS, some of such wastes are dangerous to the health, life and safety of operating personnel and the public, and some create offensive nuisance conditions; and

WHEREAS, the said sewage service agreement requires the Township to exercise its rights and powers to carry into effect the purposes and intent of such agreement and requires the Township to enact an ordinance incorporating all or designated portions of ALCOSAN's Rules and Regulations and providing appropriate penalties for the violation thereof, to amend such ordinance from time to time as requested by ALCOSAN and to enforce the provisions thereof fully and prosecute all violators thereof diligently;

WHEREAS, pursuant to the Federal Water Pollution Control Act, 33 U.S.C.§ 1251, et seq., and the regulations promulgated pursuant thereto, 40 C.F.R. § 403.1 et seq., ALCOSAN is required to develop a pretreatment program, regulating the discharge of pollutants by industrial users into the Sewage Disposal System;

NOW, THEREFORE, in order to safeguard health, safety and life and insure the proper collection, treatment and disposal of sewage as well as to protect the sewers and other facilities of Township and ALCOSAN, the following is hereby ordained and enacted:

Section 1. For the purposes of this ordinance, the following terms shall have the meaning hereafter designated:

(a) ALCOSAN: Allegheny County Sanitary Authority including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

(b) Corrosive waste: A waste or substance which has any of the following properties:

1. It is aqueous and has a pH of less than or equal to 5 or greater than or equal to 10, as determined by pH meter.

2. It is a liquid and corrodes steel (SAE1020) at a rate greater than 6.35 mm (0.250 in.) per year at a test temperature of 55°C (130°F).

(c) Reactive/explosive waste: A waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility; which has any of but is not limited to the following properties:

1. It is normally unstable and readily undergoes violent change without detonating.

2. It reacts violently with water.

3. It forms potentially explosive mixtures with water.

4. When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

5. It is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

6. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

7. It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.

8. It is a forbidden explosive as defined in 40 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

(d) Hazardous Waste: All wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 PA Code 261.

(e) Ignitable Waste: A waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN

Treatment Facility which has any of but is not limited to the following properties:

1. It is liquid with a flash point less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.

2. It is an oxidizer as defined in 49CFR 173.151.

(f) Interference: A discharge originating in the Township which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal; and

2. Therefore is a cause of a violation of any requirement of ALCOSAN's National Pollutant Discharge Elimination System (hereinafter referred to as "NPDES") Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in and State Sludge Management Plan prepared pursuant to subtitle D of

the solid Waste Disposal Act), the Clean Air Act, and the Toxic Substances Control Act.

(g) Pass-through: The term pass-through shall mean any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN's NPDES Permit (including an increase in the magnitude or duration of a violation).

(h) Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Governmental Entity, or any other legal entity, or its legal representatives, agents, or assigns.

(i) pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(j) Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial, municipal, or agricultural waste discharged into water.

(k) Pollution: The man made or man induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

(l) The Act: The Federal Water Pollution Control Act also known as The Clean Water Act, as amended, 33 USC 1251 et. seq.

(m) Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA, pursuant to Section 307 (A) of the Act.

(n) Waste water: The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.

(o) Waters of the Commonwealth: All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of PA or any portion thereof.

Section 2. No person shall introduce or cause to be introduced directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Township and transmitting substances into the facilities of ALCOSAN, any toxic pollutant or other wastewater which will:

(a) Cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities; or

(b) pass through ALCOSAN's treatment plant or other facilities.

Section 3. No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the Township and transmitting substances into the facilities of ALCOSAN any of the following:

(a) Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.

(b) Any ignitable, reactive, explosive, corrosive, or hazardous waste, except as provided for by ALCOSAN's Rules and Regulations.

(c) Any wastewater with a temperature greater than 140°F (60° C).

(d) Any waste which exceeds the naturally occurring background levels for either Alpha, Beta, or Gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable State or Federal regulations.

(e) Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN's facility or facilities discharging into the ALCOSAN system.

(f) Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

(g) Pathological wastes from a hospital or other medical establishment.

(h) Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition.

(i) Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants: unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

(j) Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.

(k) Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities such as residues, sludges, or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in non-compliance with sludge use or disposable criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State Laws or regulations applicable to the treatment or disposal of such effluent or such product.

Section 4. No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN.

The Pretreatment Regulations of the Allegheny County Sanitary Authority are incorporated into this Ordinance by reference as though fully set forth herein.

Section 5. Any person violating any provision of this Ordinance shall, upon conviction, be punished by a fine not to exceed the sum of One Thousand Dollars ($1,000.00), for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding 30 days. Each day a violation is continued shall constitute separate offense. In addition, any person violating any provision of the ALCOSAN Pretreatment Regulations may be subject to administrative and civil penalties as provided for by the Pretreatment Regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to $25,000.00 per day, per violation as provided for by the Publicly Owned Treatment Works Penalty Law, 35 PS 752.1 et seq. Authority to so enforce the Pretreatment Regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available to the Township.

Section 6. The provisions of this Ordinance are severable, and the invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect or impair the validity of any other part of the Ordinance which can be given affect without the invalid part or parts.

Section 7. Any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance is hereby repealed, so far as the same conflicts with this Ordinance.

ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 12th day of December, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
President, Board of Commissioners

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 863

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 1995

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 1994 as follows:

TAX RATE FOR GENERAL PURPOSES

The sum of Twenty and one half (20-1/2) mills on each dollar of assessed valuation or the sum of two hundre and five (205) 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	20-1/2 Mills	205 Cents
TOTAL	20-1/2 Mills	205 Cents

The millage established in this ordinance is a reduction of RET as required by Act 77 of 1993.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 27th day of December, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
Michael J. Madden
President,
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

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ORDINANCE NO. 864

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING FEES OR CHARGES FOR THE COLLECTION AND REMOVAL OF SOLID WASTE AND RECYCLEABLE MATERIALS.

WHEREAS, the Township of Wilkins has, by Ordinance Nos. 813 and 814, established a program regulating the accummulation and disposal of solid waste and recylceable materials and has by contract provided for collection removal and disposal of solid waste and recycleable materials, paying the contract price out of general funds of the Township.

NOW, THEREFORE, the Board of Commissioners of the Township of Wilkins hereby ordains:

Section I. A fee or charge to provide for funding for collection and removal of solid waste and recycleable materials is hereby established in the Township of Wilkins.

Section II. Every owner of real estate from which solid waste and recycleable material is actually collected, and every owner of real estate whose property is in the Township of Wilkins collection system, defined in a contract between the Township of Wilkins and any solid waste or recycleable materials collector shall be responsible for and shall pay the fee or charge herein established.

Section III. The fee or charge shall be at the rate of Sixty Dollars ($60.00) per year, commencing with the calendar year 1995.

(a) Real estate which is occupied for the first time during any calendar year to which the fee or charge is applicable shall pay the fee or charge pro-rated during the

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first applicable calendar year on a daily basis from the first date of occupancy.

Section IV. The Board of Commissioners shall, by resolution, establish the dates of billing collection and payment of the fee or charge, and appoint a collection agent.

Section V. The Board of Commissioners is hereby authorized to make and promulgate any additional rules and regulations for the collection and billing of the fee or charge herein provided, not in conflict with this ordinance, and violations of the same shall be subject to the same penalties as provided in this ordinance.

Section VI. All notices of fees due shall be mailed to the address stated on the assessment blotter prepared by the Department of Appeals, Review and Registry of Allegheny County, and to the actual residence of the property owner, if known.

Section VII. If any fee levied by this ordinance not be paid when due, there shall be added interest at the rate of ten percent (10%) per annum, from the date of filing the lien therefor.

Section VIII. The Township shall collect any delinquent municipal fee, as provided by the Municipal Claims Act of May 16, 1923, P.L. 207, as amended or supplemented.

Section IX. Definitions

(a) Owner of real estate -- The owner of record as shown in the Office of the Reocrder of Deeds for Allegheny County, or other applicable county record.

(b) Recycleable material -- Material as defined in Ordinance No. 813 and collected by independent contractors under contract with the Township of Wilkins.

(c) Solid waste -- Domestic or household waste as defined in Ordinance No. 814 and collected by independent contractors under contract with the Township of Wilkins.

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Section X. Penalties -- Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than Six Hundred Dollars ($600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section XI. Repealer -- All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section XII. 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 Board of 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 XIII. This ordinance is enacted pursuant to Section 1502.XXVII of the First-Class Township Code.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 27th day of DECEMBER, 1994.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

By Michael J. Madden
President, Board of Commissioners

ORDINANCE NO. 865

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 1995 .

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins are authorized to execute Ordinance No. 865:

SECTION I: That the expenditures and expenses of the fiscal year 1995 the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the year 1995 for the specific purposes as set forth:

	General Fund	Highway Fund	Other Special Rev. Funds	Other Govt. Funds	Proprietary Funds	Funds Fiduciary
REVENUES:						
Cash	$ 68,000.	21,000.	21,300.	4,628.	84,000.	863,000.
Taxes	2,005,000.					
Licenses & Permits	51,900.					
Fines & Forfeits	26,200.					
Interests, Rents	11,000.	1,000.	400.	270.	1,400.	41,000.
Intergovernmental Rev.	327,879.	96,859.				
Chg. For Services	250,230.			9,600.	480,000.	
Misc. Revenues	14,250.		15,000		5,000.	
Other Finan. Svces.	389,500.					
Total	$3,143,959.	118,859.	36,700.	14,498.	570,400.	904,000.
EXPENDITURES:						
General Gov't	309,208.		15,000.			
Public Safety	1,108,001.			9,600.		
Sanitation Health & Welfare	255,459.				30,000.	350,000.
Highways Roads & Streets	953,017.	117,859.			23,000.	
Culture & Recreation	13,355.		15,000.			
Debt Service	385,000.				103 235.	
Miscellaneous	3,000.				329,500.	
Other Financing Uses	116,248.					
Total Expenditures	3,143,288.	117,859.	30,000.	9,600.	485,735.	350,000.
Reserves	671.	1,000.	6,700.	4,898.	84,665.	554,000.
Total Appropriated And Unappropriated	$3,143,288.	117,859.	30,000.	9,600.	485,735.	350,000.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 27th day of December 1994.

TOWNSHIP OF WILKINS

By: Michael J. Madden
Michael J. Madden
President,
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

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ORDINANCE NO. 866

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING THE COMPENSATION OF THE TOWNSHIP MANAGER

SECTION I: The annual compensation of the Township Manager shall be set at $41,121.00 effective January 1, 1995.

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 27th day of December, 1994.

TOWNSHIP OF WILKINS

By Michael J. Madden
Michael J. Madden
President,
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 867

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 in the Grandview Avenue Sanitary Sewer District ordained by Ordinance No. 843.

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:

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Owner	Deed Registry Block and Lot	Deed Book Volume and Page
Greek Orthodox Church "Ypapanti" of East Pittsburgh	375-C-300	6785, p. 465
Duquesne Light Company	374-R-320	3199, p. 193
Deglit, Inc.	374-R-271	6584, p. 303
Alfred Yocca and Mona Yocca	374-R-346	3734, p. 617
Joseph Yakin	374-R-249	5816, p. 553
Deglit, Inc.	375-D-352	6584, p. 303

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 Township Secretary, where same may be examined by any interested person.

SECTION 4. The proper Township agents and employees shall attempt to obtain the necessary 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 30th day of January, 1995.

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS

By Michael J. Madden

President, Board of Commissioners

TOWNSHIP OF WILKINS

ORDINANCE NO. 868

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:

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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 in the Brown Avenue Sanitary Sewer District ordained by Ordinance No. 841.

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 and Lot	Deed Book Volume and Page
John A. Pushcar and Jane A. Pushcar	372-S-142	4060, p. 15
Robert F. Free and Irene C. Free	372-S-124	3228, p. 55
Clyde A. Greenaway and Ingrid M. Greenaway	372-S-118	4434, p. 133
Robert Hendricks	372-S-160	8144, p. 575
Gibson Enterprises	372-S-114 373-D-185	5902, p. 171 5902, p. 175
Kenneth R. McCombs and Marlene J. McCombs, and Arthur C. Page and Lois J. Page	373-D-195	8232, p. 627
Andrew Russell and Andrea Russell	373-D-250	7104, p. 30
Lawrence C. Patchel and Doris E. Patchel	373-D-240 373-D-262	4245, p. 216 3597, p. 203
Lawrence C. Patchel and Doris E. Patchel	373-H-110	4258, p. 403
William L. Balint and Evelyn M. Balint	373-H-118	4368, p. 141
Victor M. Lalli and Leona L. Lalli	373-H-100	3964, p. 13
William L. Balint and Evelyn M. Balint	373-H-125	3178, p. 448
Beverly J. Coulter	373-H-130	9239, p. 170
John A. Balint and Margaret E. Balint	373-H-135	3028, p. 676
Charles Henry Straley and Bonnie W. Straley	373-M-110	8649, p. 14

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 Township Secretary, where same may be examined by any interested person.

SECTION 4. The proper Township agents and employees shall attempt to obtain the necessary 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 30th day of January, 1995.

ATTEST: TOWNSHIP OF WILKINS

Assistant Secretary By President, Board of Commissioners

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ORDINANCE NO. 869

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE NO. 802 BY ADDING
THERETO SECTION 506-A PROVIDING FOR STORM
WATER MANAGEMENT

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 869

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TOWNSHIP OF WILKINS

Ordinance No. 869

An ord~~inance amending~~ Ordinance 802 by adding thereto Section 506-A providing for Storm Water Management.

Section I. Ordinance 802 is hereby amended by adding thereto Section 506-A (subdivided into Sections 101, et seq.) and providing as follows:

Section 101 - General Provisions

A. Purpose

These regulations are adopted and implemented to achieve the following general purposes and objectives:

1. To manage and control stormwater runoff resulting from land alteration and disturbance activities in accordance with the watershed stormwater management plans adopted pursuant to the Pennsylvania Storm Water Management Act (Act 167 of 1978, as amended).

2. To utilize and preserve the desirable existing natural drainage systems and to preserve the flood-carrying capacity of streams.

3. To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.

4. To provide for adequate maintenance of all permanent stormwater management structures in the municipality.

B. Applicability

The provisions of this article shall apply to all subdivisions and land development activity within the municipality of Wilkins Township.

C. Repealer

This ordinance shall repeal all other ordinances, or parts thereof, which are contrary to or conflict with the provisions of this ordinance to the extent necessary to give this ordinance full force and effect. If any part of Ordinance 802 is contrary to or in conflict with this amendment, this amendment shall govern.

D. Severability

Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any other part hereof; the parts or sections remaining shall remain in effect as if the part of the section declared unconstitutional had never been a part of this ordinance.

E. Liability Disclaimer

1. Neither the granting of any approval under the stormwater management provisions of this ordinance, nor the compliance with the provisions of this ordinance, or with any condition imposed by a municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the municipality for damages to persons or property.

2. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the municipality, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

Section 102 - Stormwater Management Performance Standards

A. Stormwater Management Performance Districts

1. For purposes of stormwater management, the municipality of Wilkins Township is divided into the following stormwater management districts:
Turtle Creek Storm Water Management District

One or more of these districts may be further subdivided into subareas which have similar hydrological characteristics and drain to a common point.

2. The location and boundaries of the watershed(s) and subareas are shown on the "Municipal Stormwater Management District Map" which is hereby adopted as a part of this section.
The said map is on file in the office of the Township Secretary where it may be examined by any interested person.

B. General Standards

1. The following provisions shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated and shall apply throughout the municipality of Wilkins Township.

a. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

(1) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or

(2) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

2. The stormwater management plan for the development site must consider all the stormwater runoff flowing over the site.

3. No discharge of toxic materials shall be permitted into any stormwater management system.

C. Watershed Standards: Turtle Creek Stormwater \ Management District

1. The stormwater performance standards contained in this section are intended to implement the standards and criteria contained in the Turtle Creek Stormwater Management Plan, adopted and approved in accordance with the Pennsylvania Storm Water Management Act. If there is any discrepancy between the provisions of this section and the standards and criteria of the plan, or if the watershed plan is subsequently amended, then the standards/criteria of the current watershed plan shall govern.

2. Storm Frequencies. Stormwater management facilities on all development sites shall control the peak stormwater discharge for the 2-, 10-, 25- and 100-year storm frequencies. The SCS 24-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions. The 24-hour total rainfall for these storm frequencies in the watershed are:

Storm Frequency	Rainfall Depth (inches)
2-year	2.50
10-year	3.61
25-year	4.31
100-year	5.71

(For additional information or data on other storm return periods, consult the "Rainfall Duration Frequency Tables for Pennsylvania," produced by PennDER, Office of Resource Management, Bureau of Dams and Waterways Management, Division of Stormwater Management, Harrisburg, February 1983.)

3. Calculation Methods

a. Development Sites: For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications, Technical Release (TR) 55 or 20, HEC I, or Penn State Runoff Model.

b. Stormwater Collection/Conveyance Facilities: For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, any of the above listed caluculation methods or the Rational Method may be used. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.

c. Predevelopment Conditions: Predevelopment conditions shall be assumed to be those which exist on any site at the time of adoption of the Turtle Creek Stormwater Management Plan. Hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, cropland, etc.) shall be assumed to be in "good" condition, and the lowest recommended SCS runoff curve number (CN) shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group.

d. Routing of hydrographs through detention/retention facilities for the purpose of design those facilities shall be accomplished using the Modified-Puls Method or recognized reservoir routing method subject to the approval of the municipality and county.

4. Release Rate Percentage

a. Definition. The release rate percentage defines the percentage of the pre-development peak rate of runoff that can be discharged from an outfall on the site after development. It applies uniformly to all land development or alterations within a subarea. A listing of the release rate percentage by subarea appears in Appendix A of this ordinance; the subareas are delineated on the municipal stormwater management district map.

b. Procedure for Use

(1)Identify the specific subarea in which the development site is located from the watershed map and obtain the subarea release rate percentage from Appendix A.

(2) Compute the pre- and post-development runoff hydrographs for each stormwater outfall on the development site using an acceptable calculation method for the 2-, 10-, 25- and 100-year storms. Apply no on-site detention for stormwater management but include any techniques to minimize impervious surfaces and/or

increase the time of concentration for stormwater runoff flowing from the development site. If the post-development peak runoff rate and the runoff volume are less than or equal to the predevelopment peak runoff rate and volume, then additional stormwater control shall not be required at that outfall. If the post-development peak runoff rate and volume are greater than the predevelopment peak runoff rate and volume, then stormwater detention will be required and the capacity of the detention facility must be calculated in the manner prescribed below.

(3) Multiply the subarea release rate percentage by the predevelopment rate of runoff from the development site to determine the maximum allowable release rate from any detention facility for the four prescribed storm events.

(4) Design the outlet control facilities and size the volume of the detention facility using the calculated post development hydrograph and accepted hydograph routing procedures in consideration of the maximum allowable release rate.

5. <u>No Harm Evaluation</u>

a. An applicant may seek to exceed the otherwise applicable subarea release rate percentage by performing the "No Harm Evaluation". This evaluation requires an independent engineering analysis to demonstrate that other reasonable options exist to prevent the occurrence of increased stormwater runoff discharge rates and/or velocities or that measures can be provided to prevent increased stormwater discharge rates and/or velocities from increasing flood elevations and accelerating erosion at all downstream points in the watershed.

b. A "No Harm Evaluation" will be considered only in instances where the discharge to a stream channel from the development occurs directly to the Monongahela River,channelized portion of Turtle Creek, or through a properly sized and designed regional stormwater detention facility.

c. The analysis for the no-harm evaluation shall be submitted to the municipal engineer and Allegheny Planning Department (Westmoreland Conservation District) for review and approval.

d. The "No Harm Evaluation" shall be prepared by a registered engineer who is experienced in hydrology and hydraulics. The "No Harm Evaluation" shall be completed using the following procedure:

The Penn State Runoff Model (PSRM) is the hydrologic model required in this procedure. Use of this model would produce results from a "No Harm Evaluation" analysis that could be compared to the results of the watershed study.

1. Develop the runoff hydrograph(s) for the design storms of the site and areas tributary to it using the PSRM and the Turtle Creek Watershed Stormwater Management Plan land use of the development for both pre-development and post-development conditions.

2. Develop the runoff hydrograph(s) for the proposed site using the PSRM. If no management or controls are proposed, this would be equivalent to the runoff hydrograph under post-development conditions. If some management or controls are proposed, then the runoff hydrograph under post-development conditions would be modified to reflect their effect on the rate, volume and timing of discharges.

3. Subtract the runoff hydrograph ordinates under pre-development conditions (Step1) from the discharge hydrograph ordinates (Step2), maintaining the time scales of both hydrographs for one-to-one correspondence.

4. Obtain the PSRM for existing conditions for the Turtle Creek Watershed from the County.

5. Locate the subbasin(s) in which the proposed development is located and into which the discharge hydrograph enters. If more than one subbasin receives this incremental flow, divide the flow accordingly.

6. Add the incremental increase computed in Step 3 to the runoff hydrograph for the subbasin(s) identified in Step 5.

7. Route the adjusted runoff hydrograph through the Turtle Creek watershed PSRM and note <u>any</u> increase in <u>peak</u> flows which would occur in downstream subbasins. If no increase is noted, then the "No-Harm" has been demonstrated. If no increase is observed in peak flows, the increased potential for erosion and/or sedimentation in downstream channels resulting from any change in the flood hydrograph predicted by the model shall be evaluated. If no increased potential can be demonstrated by appropriate technical means, then the "No-Harm" exemption may be requested.

8. If an increase if peak flow is observed in any of the downstream subbasins or increased potential for erosion and/or sedimentation is indicated, the "No Harm" exemption shall not be granted.

Section 103 - Design criteria for stormwater management controls

A. General criteria

1. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control stormwater runoff from the development site. All controls must be subject to approval of the municipal engineer. The municipal engineer may request specific information on design and/or operating features of the proposed stormwater controls in order to determine their suitability and adequacy in terms of the standards of this ordinance.

2. The applicant should consider the effect of the proposed stormwater management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the municipal engineer may require in-depth studies by a competent geotechnical engineer. Not all stormwater control methods may be advisable or allowable at a particular development site.

3. The stormwater management practices to be used in developing a stormwater management plan for a particular site shall be selected according to the following order of preference:

   a. infiltration of runoff on-site

   b. flow attenuation by use of open vegetated swales and natural depressions

   c. stormwater detention/retention structures

4. Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

B. Criteria for infiltration systems

1. Infiltration systems shall be sized and designed based upon local soil and ground water conditions.

2. Infiltration systems shall be greater than three (3) feet deep and shall be located at least ten (10) feet from basement walls.

3. Infiltration systems shall not be used to handle runoff from commercial or industrial working or parking areas. This prohibition does not extent to roof areas which are demonstrated to be suitably protected from the effects of the commercial/industrial activities.

4. Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.

5. The stormwater infiltration facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.

C. Criteria for stormwater detention facilities

1. If detention facilities are utilized for the development site, the facility(ies) shall be designed such that post-development peak runoff rates from the developed site are controlled to those rates defined by the subarea release rate percentage for the 2-, 10-, 25, and 100-year storm frequencies.

2. All detention facilities shall be equipped with outlet structures to provide discharge control for the four (4) designated storm frequencies. Provisions shall also be made to safely pass, at minimum, the post-development 100 year storm runoff without breaching or otherwise damaging (i.e., impairing the continued function of) the facilities.

3. Shared-storage facilities, which provide detention of runoff for more than one development site within a single subarea may be considered and are encouraged. Such facilities shall meet the criteria contained in this section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities.

4. Where detention facilities will be utilized, multiple use facilities, such as wetlands, lakes, ballfields or similar recreational/open space uses are encouraged wherever feasible, subject to the approval of the municipality and Pennsylvania Department of Environmental Resources' Chapter 105 regulations.

5. Other considerations which should be incorporated into the design of the detention facilities include:

a. Inflow and outflow structures shall be designed and installed to prevent erosion and bottoms of impoundment type structures should be protected from soil erosion.

b. Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration.

c. Inflow and outflow structures, pumping stations, and other structures shall be designed and protected to minimize safety hazards.

d. The water depth at the perimeter of a storage pond should be limited to that which is safe for children. This is especially necessary if bank slopes are steep or if ponds are full and recirculating in dry periods. Restriction of access (fence, walls, etc.) may be necessary depending on the location of the facility.

e. Side slope of storage ponds shall not exceed a ratio of two-and-one-half to one (2.5:1) horizontal to vertical dimension.

f. Landscaping shall be provided for the facility which harmonizes with the surrounding area.

g. Facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.

D. Criteria for collection/conveyance facilities

1. All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards:

a. All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.

b. Lots located on the high side of streets shall extend roof and french drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and french drains to a stormwater collection/conveyance/control system or natural watercourse in accordance with the approved stormwater management plan for the development site.

c. Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.

d. All collection/conveyance facilities shall be designed to convey the 25-year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a stormwater control facility, curbed street, storm sewer or natural watercourse.

e. Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.

2. Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:

a. Where practical, designed to traverse under seeded and planted areas. If constructed within ten (10) feet of road paving, walks or other surfaced areas, drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development.

b. Preferably installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of three (3) feet cover and/or adequate protection during the fill construction.

c. Designed: (1) with cradle when traversing fill areas of indeterminate stability, (2) with anchors when gradient exceeds twenty (20) percent, and (3) with encasement or special backfill requirements when traversing under a paved area.

d. Designed to adequately handle the anticipated stormwater flow and be economical to construct and maintain. The minimum pipe size shall be fifteen (15) inches in diameter.

e. Drain pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the municipality and/or applicable PENNDOT Specifications, Form 408.

f. All corrugated metal pipe shall be polymer coated, and with asbestos bonding and paved inverts where prone to erode. Pipe within a municipal right-of-way shall be reinforced concrete pipe with a minimum diameter of 15 inches.

g. Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with municipal standards.

h. Appropriate grates shall be designed for all catch basins, stormwater inlets and other entrance appurtenances.

i. Manholes shall be designed so that the top shall be at finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling."

j. Where proposed sewer connects with an existing storm sewer system, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional flow.

k. Storm sewer outfalls shall be equipped with energy dissipation devices to prevent erosion and conform with applicable requirements of the Pennsylvania DER for stream encroachments (Chapter 105 of Pennsylvania DER Rules and Regulations).

Section 104 - Erosion and sedimentation controls

A. Erosion/sedimentation plan shall be provided in accordance with the Pennsylvania Erosion/ Sedimentation Regulations (25 PA Code, Chapter 102) and the standards and guidelines of the County Conservation District, and Ordinance 802.

B. Proposed erosion/sedimentation measures shall be submitted with the stormwater management plan as part of the preliminary and final applications when subdivision or land development applications are required by Ordinance 802.

Section 105 - Maintenance of stormwater management controls

A. Maintenance responsibilities

1. The stormwater management plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the municipal engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).

2. The stormwater management plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principals:

a. If a development consists of structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the municipality, stormwater control facilities should also be dedicated to and maintained by the municipality.

b. If a development site is to be maintained in single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.

3. The governing body, upon recommendation of the municipal engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the stormwater management plan. The governing body reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

B. Maintenance agreement for privately owned stormwater facilities

1. Prior to final approval of the site's stormwater management plan the property owner shall sign and record a maintenance agreement covering all stormwater control facilities which are to be privately owned. The agreement shall stipulate that:

a. The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner.

b. The owner shall convey to the municipality easements and or rights-of-way to assure access for periodic inspections by the municipality and maintenance if required.

c. The owner shall keep on file with the municipality the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the municipality within ten (10) days of the change.

d. If the owner fails to maintain the stormwater control facilities following due notice by the municipality to correct the problem(s), the municipality may perform the necessary maintenance work or corrective work and the owner shall reimburse the municipality for all costs.

2. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the municipal solicitor and governing body.

Section 106 - Stormwater plan requirements

A. General requirements

1. No final subdivision/land development plan shall be approved, no permit authorizing construction issued, or any earthmoving or land disturbance activity initiated until the final stormwater management plan for the development site is approved in accordance with the provisions of this ordinance.

B. Exemptions for small developments

1. At the time of application, the municipality shall determine if the subdivision/land development qualifies as a "small development" and, therefore, is eligible for a simplified stormwater plan submission. For the purposes of this ordinance, a small development is any subdivision or land development which results (or will result when fully constructed) in the creation of 5,000 or less square feet of impervious area and 1 acre or less of any land cover change.

2. Applications for small developments shall include a plan which describes the type and location of proposed on-site stormwater management techniques or the proposed connection to an existing storm sewer system. The plan should show accurately site boundaries, two-foot interval contours, locations of watershed and/or subarea boundaries on the site (if applicable) and any watercourses, floodplains, or existing drainage facilities or structures located on the site. Contingent upon the approval of the municipal engineer, alternative runoff computational techniques such as the Rational Method may be used where applicable. The municipality reserves the right to require that the plan be prepared by a registered professional engineer, surveyor or landscape architect.

3. The municipal engineer shall review and approve the proposed provisions for stormwater management in accordance with the standards and requirements of this ordinance.

C. Stormwater plan contents

1. General Format: The stormwater plan shall be drawn to a scale of not less than 1 inch = 200 feet. All sheets shall contain a title block with; Name and address of applicant and engineer, scale, north arrow, legend and date of preparation.

2. Existing and Proposed Features: The plan shall show the following:

a. Watershed location - Provide a key map showing the location of the development site within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed names(s) and subarea number(s).

b. Floodplain boundaries - Identify 100-year floodplains on the development site (as appropriate) based on the municipal Flood Insurance Study maps.

c. Natural features - Show all bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site, or which will be affected by runoff form the development.

e. Soils - Provide an overlay showing soil types and boundaries within the development site (consult county, SCS and U.S. Geological Survey for information).

f. Contours - Show existing and final contours at intervals of two (2) feet; in areas with slopes greater than fifteen (15) percent, five (5) foot contour intervals may be used.

g. Land cover - Show existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed.

h. Drainage area delineations - Show the boundaries of the drainage areas employed in the runoff calculations performed.

i. Stormwater management controls - Show any existing stormwater management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc. which are located on the development site, or which are located off-site but will be affected by runoff from the development.

3. Professional certification: The stormwater management plan (including all calculations) must be prepared and sealed by a registered professional engineer, surveyor or landscape architect with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required by the municipality.

4. Runoff calculations: Calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities must be submitted with the stormwater management plan. All calculations shall be prepared using the methods and data prescribed by Section 102 of this ordinance.

5. Stormwater controls: All proposed stormwater runoff control measures must be shown on the plan including methods for collecting, conveying and storing stormwater runoff on-site, which are to be used both during and after construction. Erosion and sedimentation controls shall be shown in accordance with applicable municipal and County Conservation District requirements. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and relationship to the existing watershed drainage system.

a. If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.

b. A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.

c. If appropriate, a justification should be submitted as to why any preferred stormwater management techniques, as listed in Section 103, are not proposed for use.

6. Easements, rights-of-way, deed restrictions: All existing and proposed easements and rights-or-way for drainage and/or access to stormwater control facilities shall be shown and the proposed owner identified. Show any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.

7. Other permits/approvals: A list of any approvals/permits relative to stormwater management required from other governmental agencies (including DER Chapter 105 and 106 permits) and anticipated dates of submission/receipt should be included with the stormwater plan submission. Copies of permit applications may be requested by the municipality where they may be helpful for the plan review.

8. Maintenance program: The application shall contain a proposed maintenance plan for all stormwater control facilities in accordance with the following:

a. Identify the proposed ownership entity (e.g., municipality, property owner, private corporation, homeowner's association, or other entity).

b. Include a maintenance program for all facilities, outlining the type of maintenance activities, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.

c. Identify method of financing continuing operation and maintenance if the facility is to be owned by other than the municipality or governmental agency.

d. Submit any legal agreements required to implement the maintenance program and copies of the maintenance agreement as required by this ordinance.

9. Financial guarantees: Submit financial guarantees in accordance with the provisions of this ordinance.

Section 107 - Plan review procedures

A. Pre-application phase

1. Before submitting the stormwater plan, applicants are urged to consult with the municipality, County Planning Department and County Conservation District on the requirements for safely managing from the development site in a manner consistent with the municipal ordinances and applicable watershed stormwater management plan. These agencies may also be helpful in providing necessary data for the stormwater management plan.

2. Applicants are encouraged to submit a sketch plan with a narrative description of the proposed stormwater management controls for general guidance and discussion with the municipality and other agencies.

3. The pre-application phase is not mandatory; any review comments provided by the municipality or other agencies are advisory only and do not constitute any legally binding action on the part of the municipality or any county agency.

B. Stormwater plan reviews

1. Submission of plans: Stormwater plan applications shall be submitted with the preliminary and final subdivision/land development applications.

2. Notification of affected municipalities: The municipality shall notify municipalities upstream and downstream of the development site, which may be affected by the stormwater runoff and proposed controls for the site. Copies of the plans will be made available to the municipalities upon request. Comments received from any affected municipality will be considered by the municipal engineer and county agencies in their reviews.

3. County planning review:

a. A copy of the stormwater plan, along with all runoff calculations, shall be forwarded to the Allegheny County Planning Department. A report of the findings will be returned to the municipality within 30 days.

b. If the Planning Department review identifies that the plan fails to comply with the watershed standards and criteria or that a possibility exists for harmful downstream impacts from the development site, the applicant will be advised so that the necessary modifications can be made to the stormwater management controls for the development site. The municipal engineer shall not approve the development site's stormwater management plan until modifications are made and the plan receives a positive review from the County Planning Department.

4. Municipal engineer's review: The municipal engineer shall approve or disapprove the stormwater management plan based on the requirements of the municipal ordinances, the standards and criteria of the watershed plan and good engineering practice. The engineer shall submit a written report, along with supporting documentation, stating their reasons for approval or disapproval.

5. Status of the engineer's determination: The approval/disapproval of the site's stormwater management plan by the municipal engineer shall be considered final. The governing body shall not reverse the engineer's determination by approving or disapproving the site's stormwater management plan or any specific control measure in contradiction to the engineer's action. The governing body may request modifications or alternative approaches to the stormwater management controls, provided these are agreed to by the municipal engineer and the applicant's engineer.

6. Permits required from other governmental agencies: Where the proposed development requires an obstruction permit from the Pennsylvania DER or an erosion/sedimentation permit from the County Conservation District, then final stormwater management plan approval shall be conditional upon receipt of such permits. However, no building permit shall be issued, nor construction started, until the permits are received and copies filed with the municipality.

Section 108 - Status of the stormwater plan after final approval

A. Upon final stormwater plan approval and receipt of all necessary permits, the applicant may commence to install or implement the approved stormwater management controls.

B. If site development or building construction does not begin within two years of the date of final approval of the stormwater management plan, then before doing so, the applicant shall resubmit the stormwater management plan to verify that no condition has changed within the watershed that would affect the feasibility or effectiveness of the previously approved stormwater management controls. Further, if for any reason development activities are suspended for two years or more, then the same requirement for resubmission of the stormwater management plan shall apply.

Section 109 - Stormwater plan modifications

A. If the request for a plan modification is initiated before construction begins, the stormwater plan must be resubmitted and reviewed according to the procedures contained in Section 107 above.

B. If the request for a plan modification is initiated after construction is underway, the municipal engineer shall have the authority to approve or disapprove the modification based on field inspection provided: (1) the requested changes in stormwater controls do not result in any modifications to other approved municipal land use/development requirements (e.g., building setbacks, yards, etc.) and (2) the performance standards in Section 102 are met. Notification of the engineer's action shall be sent to the governing body which may issue a stay of the plan modification within five (5) days and require the permittee to resubmit the plan modification for full stormwater plan review in accordance with Section 107 above.

Section 110 - Inspections of stormwater management controls

A. The municipal engineer or a designated representative shall inspect the construction of the temporary and permanent stormwater management system for the development site. The permittee shall notify the engineer 48 hours in advance of the completion of the following key development phases:

1. At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities.

2. At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.

3. During construction of the permanent stormwater facilities at such times as specified by the municipal engineer.

4. Completion of permanent stormwater management facilities including established ground covers and plantings.

5. Completion of final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.

B. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the municipal engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.

C. If during construction, the contractor or permittee identifies any site condition, such as subsurface soil conditions, alterations in surface or subsurface drainage which could affect the feasibility of the approved stormwater facilities, he/she shall notify the municipal engineer within 24 hours of the discovery of such condition and request a field inspection. The municipal engineer shall determine if the condition requires a stormwater plan modification.

D. In cases where stormwater facilities are to be installed in areas of landslide-prone soils or other special site conditions exist, the municipality may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the permittee.

Section 111 - Financial guarantees and dedication of public improvements

A. Guarantee of completion: A completion guarantee in the form of a bond, cash deposit, certified check or other negotiable securities acceptable to the municipality, shall be filed. The guarantee shall cover all streets, sanitary sewers, stormwater management facilities, water systems, fire hydrants, sidewalks and other required improvements; it shall be in the amount and form prescribed by the Municipalities Planning Code (Section 509).

B. Release of completion guarantee: The completion guarantee shall be returned or released upon written certification by the municipal engineer or a designated agent that improvements and facilities have been installed and completed in accordance with the approved plan and specifications. The procedures for requesting and obtaining a release of the completion guarantee shall be in a manner prescribed by the Municipalities Planning Code (Section 510).

C. Default of completion guarantee: If improvements are not installed in accordance with the approved final plan, the governing body may enforce any corporate bond or other security by appropriate legal and equitable remedies. If 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 governing body may at its option install part of such improvements in all or part of the development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All proceeds, whether resulting from the security or 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 municipal purpose.

D. Dedication of public improvements:

1. When streets, sanitary sewers, stormwater management facilities, water lines or other required improvements in the development have been completed in accordance with the final approved plan, such improvements shall be deemed private until such time as they have been offered for dedication to the municipality and accepted by separate ordinance or resolution or until they have been condemned for use as a public facility.

2. Prior to acceptance of any improvements or facilities, the municipal engineer shall inspect it to ensure that it is constructed in accordance with the approved plan and is functioning properly. In the case of any stormwater control facility, it must be free of sediment and debris.

3. The owner shall submit as-built plans for all facilities proposed for dedication.

E. Maintenance guarantee: Prior to acceptance of any improvements or facilities, the applicant shall provide a financial security to secure the structural integrity and functioning of the improvements. The security shall: (1) be in the form of a bond, cash, certified check or other negotiable securities acceptable to the municipality, (2) be for a term of 18 months, and (3) be in an amount equal to 15 percent of the actual cost of the improvements and facilities so dedicated.

Section 112 - Enforcement Remedies

A. Additional remedies: In addition to the remedies provided by Ordinance 802, the municipality may also seek remedies and penalties under applicable Pennsylvania statutes, or regulations adopted pursuant thereto, including but not limited to the Storm Water Management Act (32 P.S. Section 693.1-693.27) and the Erosion and Sedimentation Regulations (25 Pennsylvania Code, Chapter 102). Any activity conducted in violation of this ordinance or any Pennsylvania approved watershed stormwater management plan may be declared a public nuisance by the municipality and abatable as such.

Section 113 - Definitions

Act: The Storm Water Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. Sections 680.1-680.17, as amended by Act of May 24, 1984, No. 63).

Applicant: A landowner or developer who has filed an application for development including his/her heirs, successors and assigns.

Channel: A perceptible natural or artificial waterway which periodically or continuously contains moving water or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

Conservation District: The Allegheny County Conservation District (Westmoreland County Conservation District.

Culvert: A closed conduit for the free passage of surface drainage under a highway, railroad, canal or other embankment.

Design criteria: (1) Engineering guidelines specifying construction details and materials. (2) Objectives, results, or limits which must be met by a facility, structure, or process in performance of its intended functions.

Design storm: (see storm frequency)

Detention: The slowing, dampening or attenuating of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area in a detention basin or within the drainage system.

Detention pond: A pond or reservoir, usually small, constructed to impound or retard surface runoff temporarily.

Developer: The person, persons, or any corporation, partnership, association, or other entity or any responsible person therein or agent therefor that undertakes the activities associated with changes in land use. The term "developer" is intended to include by not necessarily be limited to the term "subdivider", "owner", and "builder" even though the individuals involved in successive stages of a project may vary.

Development: Any activity, construction, alteration, change in land use or practice that affects stormwater runoff characteristics.

Discharge: The flow or rate of flow from a canal, conduit, channel or other hydraulic structure.

Drainage: In general, the removal of surface water from a given area. Commonly applied to surface water and ground water.

Drainage Area: (1) The area of a drainage basin or watershed, expressed in acres, square miles, or other unit of area. Also called catchment area, watershed, river basin. (2) The area served by a sewer system receiving storm and surface water, or by a watercourse.

Encroachment: Any structure or activity which in any manner changes, expands or diminishes, the course, current or cross section of any watercourse, floodway or body of water.

Erosion: Wearing away of the lands by running water, winds and waves.

Erosion control: The application of measures to reduce erosion of land surfaces.

Ground Cover: Materials covering the ground surface,

Ground Water: Subsurface water occupying the saturation zone, from which wells and springs are fed.

Ground Water Recharge: Replenishment of ground water naturally by precipitation or runoff or artificially by spreading or injection.

Impervious: Not allowing or allowing only with great difficulty the movement of water; impermeable.

Infiltration: (1) The flow or movement of water through the interstices or pores of a soil or other porous medium. (2) The absorption of liquid by the soil.

Land Development: Any of the following activities:

(1) the improvement of one lot or two or more contiguous lots, tracts or parcels or land for any purpose involving: (a) a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means or, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

(2) a subdivision of land.

Land Disturbance: Any activity involving the changing, grading, transportation, fill and any other activity which causes land to be exposed to the danger of erosion.

Maintenance: The upkeep necessary for efficient operation of physical properties.

Municipality: The Township of Wilkins

Natural Stormwater Runoff Regime: A watershed where natural surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

Outfall: (1) The point, location or structure where drainage discharges from a sewer, drain or other conduit. (2) The conduit leading to the ultimate discharge point.

Outlet Control Structure: The means of controlling the relationship between the headwater elevation and the discharge, placed at the outlet or downstream end of any structure through which water may flow.

Performance Standard: A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

Peak Flow: Maximum flow.

Pennsylvania DER: Pennsylvania Department of Environmental Resources.

Release Rate Percentage: The watershed factor determined by comparing the maximum rate of runoff from a subbasin to the contributing rate of runoff to the watershed peak rate at specific points of interest.

Retention Pond: A basin, usually enclosed by artificial dikes, that is used to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Return Period: The average interval in years over which an event of a given magnitude can be expected to recur.

Runoff: That part of precipitation which flows over the land.

Runoff Characteristics: The surface components of any watershed which affect the rate, amount, and direction of stormwater runoff. These may include but are not limited to: vegetation, soils, slopes and man-made landscape alterations.

SCS: U.S. Department of Agriculture Soil Conservation Service.

Sediment: Mineral or organic solid material that is being transported or has been moved from its site of origin by air, water or ice and has come to rest.

Sedimentation: The process by which Mineral or organic matter is accumulated or deposited by moving water, wind or gravity.

Storage Facility: (See detention pond and retention pond).

Storm Frequency: The average interval in years over which a storm event of a given precipitation volume can be expected to occur.

Storm Sewer: A sewer that carries intercepted surface runoff, street water and other drainage but excludes domestic sewage and industrial waste.

Stormwater: That portion of precipitation which runs over the land.

Stormwater Collection System: Natural or man-made structures that collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets, and pumping stations.

Stormwater Management Plan: The plan for managing stormwater runoff adopted by Allegheny County and Westmoreland County as required by the Storm Water Management Act.

Swale: A low-lying stretch of land which gathers or carries surface water runoff.
Watercourse: Any channel for conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Watershed: The entire region or area drained by a river or other body of water whether natural or artificial. A "designated watershed" is an area delineated by the Pennsylvania DER and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

Watershed Stormwater Management Plan: The plan for managing stormwater runoff throughout a designated watershed adopted by Allegheny County and Westmoreland County as required by the Pennsylvania Storm Water Management Act.

ORDAINED AND ADOPTED BY THE Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this ____ day of _____, 1995.

ATTEST:

_____
Assistant Secretary

TOWNSHIP OF WILKINS

By: _____
President of the Board of Commissioners

Subdivision/Land Development Ordinance
Appendix A
Assigned Release Rate Percentages

Release Rate Areas	Assigned Release Rate Percentage	Release Rate Areas	Assigned Release Rate Percentage	Release Rate Areas	Assigned Release Rate Percentage
1	50%	51	70%	101	50%
2	60%	52	80%	102	60%
3	80%	53	90%	103	70%
4	70%	54	80%	104	80%
5	60%	55	50%	105	50%
6	50%	56	90%	106	100%
7	50%	57	70%	107	70%
8	60%	58	100%	108	50%
9	50%	59	50%	109	70%
10	70%	60	60%	110	90%
11	70%	61	50%	111	80%
12	50%	62	60%	112	90%
13	80%	63	50%	113	90%
14	100%	64	60%	114	100%
15	50%	65	70%	115	60%
16	80%	66	90%	116	70%
17	60%	67	60%	117	90%
18	90%	68	90%	118	70%
19	70%	69	70%	119	100%
20	60%	70	80%	120	90%
21	70%	71	70%	121	80%
22	80%	72	90%	122	60%
23	50%	73	60%	123	70%
24	90%	74	60%	124	70%
25	100%	75	50%	125	90%
26	90%	76	50%	126	80%
27	60%	77	70%	127	60%
28	50%	78	50%	128	50%
29	80%	79	50%	129	100%
30	70%	80	70%	130	80%
31	50%	81	80%	131	50%
32	80%	82	70%	132	70%
33	60%	83	60%	133	90%
34	60%	84	70%		
35	90%	85	60%		
36	70%	86	50%		
37	50%	87	50%		
38	60%	88	50%		
39	60%	89	50%		
40	80%	90	80%		
41	50%	91	100%		
42	90%	92	90%		
43	80%	93	80%		
44	70%	94	60%		
45	60%	95	80%		
46	60%	96	80%		
47	70%	97	60%		
48	100%	98	80%		
49	90%	99	50%		
50	90%	100	70%		

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 30th day of January, 1995.

TOWNSHIP OF WILKINS

By Michael J. Madden
Michael J. Madden
President,
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

ORDINANCE NO. 870

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT: PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS: SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF WILKINS WHICH ARE SUBJECT TO FLOODING: AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 870.

MNB050

ORDINANCE NO. 871

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING CURB CUT OPENINGS AND EXCAVATIONS IN THE STREETS AND RIGHTS OF WAY OF THE TOWNSHIP, REQUIRING PERMITS FOR THE INSTALLATION OF CERTAIN UTILITIES AND PROVIDING FOR REFILLING, RESURFACING AND REPAVING OF STREET IMPROVEMENTS AND PROVIDING PENALTIES FOR VIOLATION.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

(a) The word "street" shall mean any public street, avenue, road, square, alley, highway or other public place located in the Township of Wilkins and shall include the entire width of any right of way as laid out, ordained, dedicated and heretofore or hereafter accepted as a Public Street by the Township of Wilkins.

(b) The word "person" shall mean and include any natural person, partnership, firm, association, corporation, utility company and municipal authority.

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

SECTION 2. It shall be unlawful for any person to open or to make any excavation or curb cut of any kind in any of the streets in the Township of Wilkins without first securing a permit therefor, as hereinafter provided.

SECTION 3. Any person who shall desire to make any curb cut, opening or excavation in any of the streets in the Township of Wilkins shall make application to the Township Secretary in writing for the purpose. Such application shall be made upon blanks to be furnished by the Township and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Township and the laws of the Commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Township from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed curb cut, opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

SECTION 4. Before any permit shall be issued to open or excavate any street in the Township, the applicant shall pay to the Township Secretary a permit fee in the amount set by resolution of the Board of Commissioners to cover the cost of inspection and other incidental services in connection therewith.

SECTION 5. Any person who shall open or excavate any improved street in the Township shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter; and shall compact to 90% density with optimum moisture and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with

the plans and specifications of the Township Engineer, which are on file in the office of the Township Secretary at 110 Peffer Road where they may be examined.

As restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the township for the cost of all necessary repairs to the permanent paving.

SECTION 6. All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this Ordinance and to the supervision and approval of the Township Engineer, provided that the Township Manager may require that cutting of the surface of improved streets and the back-filling of all excavations therein shall be done by the Township, and the charge therefor shall be paid by the applicant on the basis of actual cost of the work plus twenty per centum (20%).

SECTION 7. (a) No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one (1) foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.

(b) No more than three hundred (300) feet longitudinally shall be opened in any street at any one time, except upon written permission of the Township Engineer.

(c) The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other sub-surface lines or constructions, until permission of the proper authorities in connection with such sub-surface lines or constructions shall have been obtained.

(d) No tunneling shall be allowed without the express approval of the Township Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Township Engineer or an inspector designated by him, and shall be done only in a method approved by him.

(e) All openings or excavations shall be backfilled promptly with suitable materials and thoroughly compacted in layers, each of which shall not exceed six (6) inches in depth. On improved streets, the backfilling shall be placed to within ten (10) inches of the surface.

(f) On improved streets, a temporary paving of suitable stony materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving.

(g) During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Township from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the

said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit, or any other matter placed in the said excavation.

(h) Whenever any excavation is made within the street right of way and vehicular travel is affected thereby, the applicant shall place a metal cover over the excavation during any period when work is temporarily discontinued. The metal cover shall be of sufficient size and strength to permit passage of all vehicular traffic.

(i) The applicant shall notify the Township Manager when the opening or excavation is ready for backfilling before any backfilling is done, and when the work is completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets.

(j) In the event that any work performed by or for a permit holder shall, in the opinion of the Township Engineer, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the permit, the Township may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20%, to the applicant.

(k) Upon failure to keep the street right of way in a safe and passable condition as required in subsections (g) and (h) above, the Township may install the required guards, barriers, lanterns, metal covers or other devices and charge the cost thereof plus 20% to the applicant.

SECTION 8. In the case of any leak, explosion or other accident in any sub-surface pipe, line, construction or apparatus, it shall be lawful for the person owning

or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Ordinance are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Township Manager, after such notice as he shall deem necessary under the circumstances of the particular case, may proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 20% to such owner or person.

SECTION 9. (a) This ordinance shall apply to the installation or erection of any gas pipe, water pipe, telephone pole, electric light pole, power pole, cable television pole, cable television vault, box or housing, cable television cable or similar utility whether public or private.

(b) This ordinance is not intended to apply to excavations made between the improved or paved portion of any highway or sidewalk and abutting private property for the purpose of planting grass, trees or other vegetation or for the purpose of erecting mail boxes, fences or other structures now or hereafter permitted in the public right of way by rule, regulation or ordinance of the Township.

(c) None of the facilities designated in subsection (a) above shall be laid or erected or extended in any of the streets of the Township until the exact location thereof and the plan therefor shall have been first approved by the Township Engineer.

SECTION 10. Payment for all work done by the Township under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within thirty (30) days after a bill therefor is sent to such person by the Township. Upon failure to pay such charges within such time, the same shall be collectible by the Township in the manner provided by law for the collection of municipal claims.

SECTION 11. Prior to issuance of any permit by the Township Secretary, all persons applying for same shall deliver to the Township Secretary security to guarantee performance of the applicant's duties imposed by this ordinance, in the form of a surety bond, cashier's check, or other form acceptable to the Township Solicitor, and in an amount approved by the Township Manager, but not in excess of Five Thousand ($5,000.00) Dollars. Prior to release of the said security, the applicant shall provide the Township a three year maintenance bond, as determined by the Township Engineer, in connection with maintenance of any resurfaced excavation. When the applicant is a Township property owner and the application involves work in connection with service to the applicant's property, the performance and maintenance bonds may be waived if the applicant executes an agreement and note insuring compliance with the provisions of this ordinance.

SECTION 12. Ordinance No. 634 adopted on July 10, 1978 is hereby repealed.

SECTION 13. Any person, firm, association or corporation violating any provision of this ordinance shall, upon conviction, be punished by a fine not to exceed the sum of Six Hundred ($600.00) Dollars for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the

Allegheny County Jail for a period not exceeding thirty (30) days. Each day that a violation is continued shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations upon the officers thereof.

SECTION 14. The provisions of this ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent of the Township Commissioners that this ordinance would have been enacted had such unconstitutional, illegal or invalid provision not been included herein.

ORDAINED and ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 27th day of March, 1995.

TOWNSHIP OF WILKINS

By Michael J. Madden
President of the Board of Commissioners

ATTEST:

_____
Assistant Secretary

ORDINANCE NO. 871

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING CURB CUT OPENINGS AND EXCAVATIONS IN THE STREETS AND RIGHTS OF WAY OF THE TOWNSHIP, REQUIRING PERMITS FOR THE INSTALLATION OF CERTAIN UTILITIES AND PROVIDING FOR REFILLING, RESURFACING AND REPAVING OF STREET IMPROVEMENTS AND PROVIDING PENALTIES FOR VIOLATION.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute Ordinance No. 871.

MNB050

ORDINANCE NO. 870

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE Township of Wilkins WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the Township of Wilkins Allegheny County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I GENERAL PROVISIONS

Section 1.00 Intent

The intent of this Ordinance is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

Section 1.01 Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Building Permit has been obtained from the Building Permit Officer.

B. A Building Permit shall not be required for minor repairs to existing buildings or structures., as provided by Section 104.1 of Ordinance 823, or as said Ordinance 823 is hereinafter amended, reenacted or supplemented.

Section 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provision which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply. Ordinances 638 & 734 are hereby repealed.

Section 1.03 Severability

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

Section 1.04 Warning and Disclaimer of Liability

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

This Ordinance shall not create liability on the part of the Township of Wilkins or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provision which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.
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This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE II ADMINISTRATION

Section 2.00 Building Permits Required

Building Permits shall be required before any construction or development is undertaken within any area of the Township.

Section 2.01 Issuance of Building Permit

A. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made. The Building Permit Officer shall consult with the Township Engineer prior to issuance of any permit.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

Section 2.02 Application Procedures and Requirements

A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain the following:

1. Name and address of applicant.

2. Name and address of owner of land on which proposed construction is to occur.

3. Name and address of contractor.

4. Site location.

5. Listing of other permits required.

6. Brief description of proposed work and estimated cost.

7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

(a) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(b) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(c) adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 5.01) as may be required by the Building Permit Officer to make the above determination:

1. A completed Building Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. north arrow, scale, and date;

b. topographic contour lines, if available;

c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

e. the location of all existing streets, drives, and other accessways; and

S. Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

T. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items.

U. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

V. Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

Ordained and adopted by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this ____ day of _____, 1995.

ATTEST:

TOWNSHIP OF WILKINS

By_____
President of the Board of Commissioners

_____
Assistant Secretary

f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

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

   a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

   b. the elevation of the one hundred (100) year flood;

   c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

   d. detailed information concerning any proposed floodproofing measures.

4. The following data and documentation:

   a. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot at any point.

   b. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

      Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

   c. detailed information needed to determine compliance with Section 4.03 F., Storage, and Section 4.04, Development Which May Endanger Human Life, including:

      i) the amount, location and purpose of any materials or substances referred to in Sections 4.03 F. and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.

ii) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.04 during a one hundred (100) year flood.

d. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

e. where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 2.03 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

Section 2.04 Review of Application by Others

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

Section 2.05 Changes

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

Section 2.06 Placards

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

Section 2.07 Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

Section 2.08 Inspection and Revocation

A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board for whatever action it considers necessary.

D. A record of all such inspections and violations of this ordinance shall be maintained.

Section 2.09 Fees

Applications for a building permit shall be accompanied by a fee of $750.00 payable to the municipality to pay for the cost of permit review and inspection. If the cost exceeds said sum, an additional deposit shall be made. Any excess sum shall be returned to the applicant.

Section 2.10 Enforcement

A. Notices

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Township ONE THOUSAND AND 00/100 ($1,000.00) DOLLARS, of plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Commissioners to be a public nuisance and abatable as such.

Section 2.11 Appeals

A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

B. Upon receipt of such appeal the Board shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

ARTICLE III IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 Identification

The identified floodplain area shall be those areas of Township of Wilkins, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) prepared for the Township by the Federal Insurance Administration ("FIA") dated March, 1978, or the most recent revision thereof.
The flood insurance study and map is on file in the office of the Township Secretary at 110 Peffer Road, Wilkins Township, where it may be examined.

Section 3.01 Description of Floodplain Areas

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

A. FW (Floodway Area) - the areas identified as "Floodway" in the Flood Insurance Study prepared by the FIA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

For the purposes of this Ordinance, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

C. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

D. FA (General Floodplain Area) - The areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

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

Section 3.02 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03 Boundary Disputes

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

ARTICLE IV TECHNICAL PROVISIONS

Section 4.00 General

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

B. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance andy any other applicable codes, ordinances and regulations.

Section 4.01 Special Requirements for FW, FE, and FA Areas

A. Within any FW (Floodway Area), the following provisions apply:

1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

B. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one (100) year flood more than one (1) foot at any point.

C. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:

1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

2. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

3. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

Section 4.02 Elevation and Floodproofing Requirements

A. Residential Structures

Within any identified floodplain area, the lowest floor (including basement) of any new residential structure, or any substantial improvement to an existing residential structure, shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation. Fully enclosed spaces below the lowest floor shall be prohibited.

B. Non-residential Structures

1. Within any identified floodplain are, the lowest floor (including basement) of any new non-residential structure, or any substantial improvement to an existing non-residential structure, shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, <u>or</u> be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height. Fully enclosed spaces below the lowest floor shall be prohibited.

2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

Section 4.03 Design and Construction Standards

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

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;

2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,

5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities

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

E. Streets

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

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 4.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

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

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

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

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

J. Paints and Adhesives

1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or water-resistant quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or water-resistant variety.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water-resistant paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

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

M. Fuel Supply Systems

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

Section 4.04 Development Which May Endanger Human Life

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

- will be used for the production or storage of any of the following dangerous materials or substances; or,

- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

- will involve the production, storage, or use of any amount of radioactive substances;

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

1. Acetone
2. Ammonia
3. Benzene

4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any identified floodplain area, any structure of the kind described in Subsection A., above, shall be prohibited.

Section 4.05 Special Requirements for Manufactured Homes

A. Within any FW (Floodway Area), manufactured homes shall be prohibited.

ARTICLE V ACTIVITIES REQUIRING-SPECIAL PERMITS

Section 5.00 General

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

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

   1. hospitals

   2. nursing homes

   3. jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Section 5.01 Application Requirements for Special Permits

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

A. A written request including a completed Building Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. north arrow, scale and date;

2. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development;

6. the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. the location of all proposed buildings, structures, utilities, and any other improvements; and

8. any other information which the municipality considers necessary for adequate review of the application.

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

1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. complete information concerning flood depths, pressures. velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

4. detailed information concerning any proposed floodproofing measures;

5. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development;"

7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and

9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

Section 5.02 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Article II:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Townsnip Planning Commission and Township Engineer for review and comment.

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.

F. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

Section 5.03 Special Technical Requirements

A. In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

   a. the structure will survive inundation by waters of the one hundred (100) year floor without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.

   b. the lowest floor elevation will be at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation.

   c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

ARTICLE VI EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 6.00 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 6.01 shall apply.

Section 6.01 Improvements

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

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

ARTICLE VII VARIANCES

Section 7.00 General

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

Section 7.01 Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.11 and the following:

A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

C. Except for a possible modification of the one and one half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article V) or to Development Which May Endanger Human Life (Section 4.04).

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

F. Whenever a variance is granted, the Township shall notify the applicant in writing that:

1. the granting of the variance may result in increased premium rates for flood insurance.

2. such variances may increase the risks to life and property.

G. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:

1. that there is good and sufficient cause.

2. that failure to grant the variance would result in exceptional hardship to the applicant.

3. that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the Township, In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

I. Applications for variance shall require a fee deposit of $750.00 to pay for technical or professional assistance deemed necessary by the Board. If the cost exceeds said sum, an additional deposit shall be made. Any excess sum shall be returned to the applicant.

ARTICLE VIII DEFINITIONS

Section 8.00 General

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

Section 8.01 Specific Definitions

A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

B. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

C. Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

D. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

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

F. Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

G. Flood - a temporary inundation of normally dry land areas.

H. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

I. Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

J. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

K. Identified floodplain area - the floodplain area specifically identified in this ordinance as being inundated by the one hundred (100) year flood. Includes would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Flood Plain (FA).

L. Land development - (i) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.

M. Manufactured Home - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

N. Manufactured Home Park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

O. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer. drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

P. One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Q. Person - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

R. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 1/2) feet.

S. Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

T. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items.

U. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

V. Substantial Improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

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, 1995.

ATTEST:

Assistant Secretary

TOWNSHIP OF WILKINS

By Michael J. Madden
President of the Board of Commissioners

ORDINANCE NO. 872

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 693 (THE PEDDLERS ORDINANCE)

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION I: Sub-Sectopm OV.A.(7) of Ordinance 693 is deleted and is hereby restated to ordain:

(7) (1) A report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police central repository contains no such information relating to the applicant. Such criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. 9121 (b)(2) (relating to general regulations) and shall be no more than one hundred and eighty (180) days old. The original report of statement of the State Police shall be copied and returned to the applicant, if requested.

(2) Where the applicant is not a resident of the Commonwealth, the applicant shall submit with the application a report of Federal criminal history record information pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544, 86 Stat. 1115, and the Township shall be the intermediary for the purposes of this section.

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SECTION II: Sub-Section V.B. of Ordinance 693 is deleted and is hereby restated to ordain:

B. If as a result of such review, the application is found to be true, the Chief of Police or his designate shall endorse on the application his approval and return the application to the Township Secretary or designate, who shall, upon payment of the prescribed initial license fee, deliver to the applicant his or her license within twenty-four (24) hours after payment of the fee.

SECTION III: Section V. of Ordinance 693 is amended by adding thereto subsections D. and E. to ordain:

D. No person subject to this ordinance shall be issued a license when the report of criminal history record information indicates that the applicant has been convicted of a felony, serious misdemeanor, or crime involving moral turpitude; or an out-of-state or federal offense similar in nature to crimes, designated felonies or serious misdemeanors under Pennsylvania law.

E. The criminal history record information obtained pursuant to this ordinance shall be retained in the office of the Police Chief of the Township, and shall be confidential.

SECTION IV: Sub-Section X.A.(4) of Ordinance 693 is deleted and is hereby restated to ordain:

(4) Conviction of felony, serious misdemeamor or crime involving moral turpitude, or an out-of-state or federal offense similar in nature to crimes, designated felonies or serious misdemeanors under Pennsylvania 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 March, 1995.

TOWNSHIP OF WILKINS

By Michael J. Madden
Michael Madden, President
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 873

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING SECTION 304.2 OF ORDINANCE NO. 542 TO PROVIDE FOR THE SIZE OF PARKING SPACES, TRAFFIC AISLES AND ACCESS DRIVES

The Ordinance regulates off-street parking spaces of not less than 9' X 19' and 25' Aisles.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 10th day of April, 1995.

TOWNSHIP OF WILKINS

By Michael J. Madden
Michael J. Madden
President
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

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BUILDING CODE EFFECTIVENESS GRADING SCHEDULE

DRAFT COPY

Tom Pienciak

ISO COMMERCIAL RISK SERVICES, INC.

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ORDINANCE NO. 874

AN ORDINANCE OF THE TOWNSHIP OF WILKINS DESIGNATING THE ENCLOSED AREA OF THE MUNICIPAL BUILDING AS A NO SMOKING AREA.

WHEREAS, Section 10.1(g) of the Act of April 27, 1927 as amended by the Act of December 2, 1988, authorizes and directs employers to develop, post and implement a policy to regulate smoking in public meeting rooms and workplaces;

NOW, THEREFORE, THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION 1. The enclosed area of the Municipal Building of the Township of Wilkins is hereby designated as a No Smoking Area and smoking of any tobacco products shall be prohibited in said area.

SECTION 2. This Ordinance shall be implemented by posting "NO SMOKING - VIOLATIONS SUBJECT TO $50.00 FINE" signs near the building entryways and in the main meeting room of the building.

SECTION 3. Any person smoking or in possession of lighted tobacco products in the enclosed area of the Municipal Building shall be guilty of violating the Act of 1927, aforesaid, and, upon conviction thereof, shall be subject to a fine as provided in said Act.

SECTION 4. Any Ordinance or part of Ordinance in conflict with any of the provisions of this Ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 26th day of June, 1995.

TOWNSHIP OF WILKINS

ATTEST:

Assistant Secretary
Bruce D. Jamison

By Michael J. Madden
President of the Board of Commissioners
Michael J. Madden

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ORDINANCE NO. 875

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ACCEPTING A CERTAIN SANITARY SEWER INSTALLED AS PART OF THE FISHER PLAN OF LOTS AS PART OF THE TOWNSHIP SANITARY SEWER SYSTEM.

WHEREAS, a sanitary sewer has been installed on Farnsworth Avenue as required in the development of a subdivision plan known as the Fisher Plan of Lots and approved by the Board of Commissioners by Decision issued on January 30, 1995; and,

WHEREAS, pursuant to Ordinance 802, Section 613, the Township Engineer has inspected the sanitary sewer and reported that said sewer has been properly installed as required by Ordinance 802;

NOW, THEREFORE, THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

SECTION 1. The sanitary sewer and appurtenances thereof installed in Farnsworth Avenue, and as more particularly described in the plans submitted and approved as part of the subdivision of the Fisher Plan of Lots, which plans are incorporated herein by reference thereto, is accepted as part of the public sanitary sewer system of the Township of Wilkins.

ORDAINED and ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 28th day of August, 1995.

TOWNSHIP OF WILKINS

By_____
President of the Board of Commissioners

ATTEST:

_____
Assistant Secretary

ORDINANCE NO. 876

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING THE DATES FOR DELIVERY OF REAL ESTATE TAX NOTIFICATIONS; ESTABLISHING RATES AND DATES OF DISCOUNTS AND PENALTIES; AND PROVIDING FOR INTEREST RATES ON DELINQUENT TAXES.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Commencing with the year 1996 and each year thereafter the Township Treasurer acting as tax collector shall, on or before March 1 of each year send a notice of township real estate taxes to every taxable whose name appears on the tax duplicate provided to the tax collector.

SECTION 2. The notice shall contain the information required by Section 6 of the Local Tax Collection Law (Act of May 25, 1995, P.L. 1050, No. 394, as amended).

SECTION 3. All taxpayers subject to the payment of taxes shall be entitled to a discount of two per centum (2%) from the amount of such tax when making payment of the whole amount thereof on or before April 30 of the subject tax year.

SECTION 4. All taxpayers who shall fail to make payment of any such taxes charged against them, on or before June 30 of the subject tax year, shall be charged a penalty of ten per centum (10%) which penalty shall be added to the taxes by the tax collector and be collected by the tax collector.

SECTION 5. Interest at the rate of ten per centum (10%) shall be collected on all claims for delinquent real estate taxes from the date of filing the lien therefor in the Court of Common Pleas of Allegheny county, as provided by Section 9 of the "Municipal Claims Act" (Act of May 16, 1923, P.L. 207, No. 153, as amended).

ORDAINED and ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held the 11th day of September, 1995.

TOWNSHIP OF WILKINS

By Michael J. Madden
President of the Board of Commissioners

ATTEST:

Assistant Secretary

MNB050

ORDINANCE NO. 877

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REPEALING ORDINANCE NO. 865.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance 865, which established fees or charges for the collection and removal of solid waste and recyclable materials is repealed, said repeal to be effective on the first day of January, 1996.

ORDAINED and ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins, held this 27th day of November, 1995.

TOWNSHIP OF WILKINS

By Michael J. M
President of the Board of Commissioners

ATTEST:

Assistant Secretary

ORDINANCE NO. 877

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REPEALING ORDINANCE NO. 865.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance 865, which established fees or charges for the collection and removal of solid waste and recyclable materials is repealed, said repeal to be effective on the first day of January, 1996.

ORDAINED and ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins, held this 27th day of November, 1995.

TOWNSHIP OF WILKINS

By_____
President of the Board of Commissioners

ATTEST:

_____
Assistant Secretary

ORDINANCE NO. 878

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS: SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF WILKINS WHICH ARE SUBJECT TO FLOODING: AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

MNB050

ORDINANCE NO. 878

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE TOWNSHIP OF WILKINS WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the Township of Wilkins, Allegheny County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I
GENERAL PROVISIONS

Section 1.00 Intent

The intent of this Ordinance is to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage In the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

E. Comply with federal and state floodplain management requirements.

Section 1.01 Applicability

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Building Permit has been obtained from the Building Permit Officer.

B. A Building Permit shall not be required for repairs to existing buildings or structures, as provided by Section 104.1 of Ordinance 823, or as said Ordinance 823 is hereinafter amended, reenacted or supplemented.

Section 1.02 Abrogation and Greater Restrictions

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

Section 1.03 Severability

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

Section 1.04 Warning and Disclaimer of Liability

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

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

ARTICLE II
ADMINISTRATION

Section 2.00 Building Permits Required

Building Permits shall be required before any construction or development is undertaken within any area of the Township.

Section 2.01 Issuance of Building Permit

A. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any building permit, the Building Permit Officer shall review the application for permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S Clean Water Act, Section 404, 33, U.SC 1344. No permit shall be issued until this determination has been made.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

Section 2.02 Application Procedures and Requirements

A. Application for such a building permit shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain the following:

1. Name and address of applicant

2. Name and address of owner of land on which proposed construction is to occur.

3. Name and address of contractor.

4. Site location.

5. Listing of other permits required.

6. Brief description of proposed work and estimated cost.

7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information In sufficient detail and clarity to enable the Building Permit Officer to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

3. adequate drainage Is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 5.01) as may be required by the Building Permit Officer to make the above determination:

1. A completed Building Permit Application Form.

2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

a. north arrow, scale, and date;

b. topographic contour lines, if available;

c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

d. the location of all existing and proposed buildings, structures, and other improvements, including the location

of any existing or proposed subdivision and land development;

e. the location of all existing streets, drives, and other accessways; and

f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

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

a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

b. the elevation of the one hundred (100) year flood;

c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and

d. detailed information concerning any proposed floodproofing measures.

4. The following data and documentation:

a. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

b. detailed information needed to determine compliance with Section 4.03 F., Storage, and Section 4.04, Development Which May Endanger Human Life, including:

i) the amount, location and purpose of any materials or

substances referred to in Sections 4.03 F. and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.

ii) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.04 during a one hundred (100) year flood.

c. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

d. where any excavation of grading Is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 2.03 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit Officer for possible incorporation into the proposed plan.

Section 2.04 Review of Application by Others

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

Section 2.05 Changes

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

Section 2.06 Placards

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

Section 2.07 Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

Section 2.08 Inspection and Revocation

A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Board for whatever action it considers necessary.

D. A record of all such inspections and violations of this Ordinance shall be maintained.

Section 2.09 Fees

Applications for a building permit shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the rates set forth by resolution of the Board of Commissioners.

Section 2.10 Enforcement

A. Notices

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Township of ONE THOUSAND AND 00/100 ($1,000.00) DOLLARS, plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any

development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board of Commissioners to be a public nuisance and abatable as such.

Section 2.11 Appeals

A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Permit Officer.

B. Upon receipt of such appeal the Board shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

C. Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

ARTICLE III
IDENTIFICATION OF FLOODPLAIN AREAS

Section 3.00 Identification

The identified floodplain area shall be those areas of the Township of Wilkins, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated October 4, 1995 and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

The flood insurance study and map is on file in the office of the Township Secretary at 110 Peffer Road, Wilkins Township, where it may be examined.

Section 3.01 Description of Floodplain Areas

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

A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA - The term shall also

include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

For the purposes of this Ordinance, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

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

Section 3.02 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03 Boundary Disputes

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

ARTICLE IV
TECHNICAL PROVISIONS

Section 4.00 General

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.

B. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

Section 4.01 Special Requirements for FW Areas

Within any FW (Floodway Area), the following provisions apply:

1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

Section 4.02 Elevation and Floodproofing Requirements

A. Residential Structures

Within any identified floodplain area, the lowest floor (including basement) of any new construction, or any substantial improvement to an existing residential structure shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation. Fully enclosed spaces below the lowest floor shall be prohibited.

B. Non-residential Structures

1. Within any identified floodplain area, the lowest floor (including basement) of any new construction, or any substantial improvement to an existing non-residential structure, shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Space below the lowest floor.

1. Fully enclosed space below the lowest floor (including basement) is prohibited.

2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl space.

   Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

b. the bottom of all openings shall be no higher than one (1) foot above grade.

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

D. Accessory structures

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

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, materials, and equipment related to the principal use or activity.

2. floor area shall not exceed 600 square feet.

3. the structure will have a low damage potential.

4. the structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.

5. power lines, wiring, and outlets will be at least one and one-half (1 1/2) feet above the 100 year flood elevation.

6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

7. sanitary facilities are prohibited.

8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

b. the bottom of all openings shall be no higher than one (1) foot above grade.

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

Section 4.03 Design and Construction Standards

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

A. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;

2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

4. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,

5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and

systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities

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

E. Streets

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

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 4.04, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

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

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

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

2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

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

M. Fuel Supply Systems

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

Section 4.04 Development Which May Endanger Human Life

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

- will be used for the production or storage of any of the following dangerous materials or substances; or,

- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

- will involve the production, storage, or use of any amount of radioactive substances;

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

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)

13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any identified floodway area, any structure of the kind described in Subsection A., above, shall be prohibited.

C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 1/2) feet above the one hundred (100) year flood and,

2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 4.05 Special Requirements for Manufactured Homes

A. Within any FW (Floodway Area), manufactured homes shall be prohibited.

B. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:

1. placed on a permanent foundation.

2. elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the one hundred (100) year flood.

3. anchored to resist flotation, collapse, or lateral movement.

ARTICLE V
ACTIVITIES REQUIRING SPECIAL PERMITS

Section 5.00 General

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

A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. hospitals

2. nursing homes

3. jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Section 5.01 Application Requirements for Special Permits

Applicants or Special Permits shall provide five copies of the following items:

A. A written request including a completed Building Permit Application Form.

B. A small scale map showing the vicinity in which the proposed site is located.

C. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

1. north arrow, scale and date;

2. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;

3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

4. the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

5. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development;

6. the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;

7. the location of all proposed buildings, structures, utilities, and any other improvements; and

8. any other information which the municipality considers necessary for adequate review of the application.

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

1. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

2. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

3. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;

4. detailed information concerning any proposed floodproofing

measures;

5. cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

E. The following data and documentation:

1. certification from the applicant that the site upon which the activity or development proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

2. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;

3. a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

4. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;

5. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

6. the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development;"

7. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;

8. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and

9. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

Section 5.02 Application Review Procedures

Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Article II:

A. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

E. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.

F. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

G. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

Section 5.03 Special Technical Requirements

A. In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those In Article IV of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

a. the structure will survive inundation by waters of the one hundred (100) year flood Without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one hundred (100) year flood elevation.

b. the lowest floor elevation will be at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation.

c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.

2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by

professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.

ARTICLE VI
EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

Section 6.00 Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 6.01 shall apply.

Section 6.01 Improvements

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

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

B. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

ARTICLE VII
VARIANCES

Section 7.00 General

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

Section 7.01 Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2.11 and the following:

A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

B. Except for a possible modification of the one and one half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article V) or to Development Which May Endanger Human Life (Section 4.04).

C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

E. Whenever a variance is granted, the (Township, Borough, etc.) shall notify the applicant in writing that:

   1. the granting of the variance may result in increased premium rates for flood insurance.

   2. such variances may increase the risks to life and property.

F. In reviewing any request for a variance, the (Township, Borough, etc.) shall consider, at a minimum, the following:

   1. that there is good and sufficient cause.

2. that failure to grant the variance would result in exceptional hardship to the applicant.

3. that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE VIII
DEFINITIONS

Section 8.00 General

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

Section 8.01 Specific Definitions

A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

B. Basement - means any area of the building having its floor below ground level on all sides.

C. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

D. Completely dry space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

E. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

F. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

G. Essentially dry space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

H. Flood - a temporary inundation of normally dry land areas.

I. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

J. Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

K. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

L. Historic Structure - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   a. By an approved state program as determined by the Secretary of the Interior or

   b. Directly by the Secretary of the Interior in states without approved programs.

M. Identified floodplain area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as Floodway (FW) and Flood-Fringe (FF).

N. Land development - (i) the improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.

O. Lowest Floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements in this Ordinance.

P. Manufactured Home - a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Q. Manufactured Home Park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

R. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer. drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

S. New Construction - structures for which the start of construction commenced on or after March, 1978, and includes any subsequent improvements thereto.

T. One hundred year flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur In any year).

U. Person - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

V. Recreational Vehicle - a vehicle which is (i) built on a single chassis; (ii) no more than 400 square feet, measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

W. Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 1/2) feet.

X. Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Y. Structure - anything constructed or erected on the ground or attached to

the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items.

Z. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

AA. Substantial Damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

BB. Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Ordained and adopted by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 11th day of December, 1995.

ATTEST:

Bruce D. Jamison
Assistant Secretary

TOWNSHIP OF WILKINS

Michael J. Madden
President of the Board of Commissioners

MNB050

ORDINANCE NO. 879

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA ESTABLISHING THE COMPENSATION OF THE MANAGER OF THE TOWNSHIP OF WILKINS

SECTION I: The annual compensation of the Township Manager shall be set at $43,145.84 effective January 1, 1996.

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 12th day of February, 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

MNB050

ORDINANCE NO. 880

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
FIXING THE REAL ESTATE TAX RATE
FOR THE YEAR 1996

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 1996 as follows:

TAX RATE FOR GENERAL PURPOSES

The sum of Twenty and one half (20-1/2) mills on each dollar of assessed valuation or the sum of two hundred and five (205) 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	20-1/2 Mills	205 Cents
TOTAL	20-1/2 Mills	205 Cents

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of February, 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

MNB050

ORDINANCE NO. 881

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 1996

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins are authorized to execute ordinance No. 881:

SECTION I: That the expenditures and expenses of the fiscal year 1996 the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the year 1996 for the specific purposes as set forth:

REVENUES:	GENERAL FUND	HIGHWAY FUND	OTHER SPECIAL	OTHER FUNDS	PROPRIETARY FUNDS	FUNDS FIDUCIARY
CASH	$94,981.74	$4,561.25	$12,161.60	$38,288.34	$201,746.01	$370,819.62
TAXES	2,055,000.00					
LICENSES AND PERMITS	51,900.00					
FINES AND FORFEITS	27,700.00					
INTEREST & RENTS	11,000.00	1,000.00	200.00	600.00	1,000.00	10,500.00
INTERGOVERNMENTAL REVENUE	356,616.28	100,996.78			116,036.50	
CHARGE SERVICES	146,200.00				255,669.00	
MISCELLANEOUS REVENUE	23,250.00				13,000.00	
OTHER FINANCIAL SERVICES	388,000.00					
TOTAL	3,154,648.52	106,558.03	12,361.60	38,888.34	587,451.51	381,319.62
EXPENDITURES:						
GENERAL GOVERNMENT	333,801.43				3,500.00	25,000.00
PUBLIC SAFETY	1,179,195.19					
SANITATION	239,069.35				329,500.00	300,000.00
HIGHWAYS AND STREETS	852,950.84	101,996.78			21,000.00	
RECREATION	17,505.00		12,361.60			
DEBT SERVICE	383,000.00				149,573.00	
MISCELLANEOUS	8,000.00				13,500.00	
OTHER FINANCING	145,568.13					
RESERVES	558.59	4,561.25	-0-	38,888.34	70,378.51	56,319.62
TOTAL APPROPRIATED	3,154,089.93	101,996.78	12,361.60	-0-	517,073.00	325,000.00

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of February, 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis

Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Bruce D. Jamison
Assistant Secretary

MNB050

ORDINANCE NO. 882

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
DISSOLVING THE RECREATION BOARD

WHEREAS, the Recreation Enabling Legislation, enacted by the General Assembly of the Commonwealth of Pennsylvania, provides that

a. Every civil subdivision of the Commonwealth shall have a general plan of its parks and playgrounds;

b. Every civil subdivision may acquire lands, property, and buildings for the purpose of establishing and maintaining public parks, parkways, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers;

c. Every civil subdivision may provide for supervising, equipping, and maintaining public recreation areas and facilities through any existing body or through a recreation board;

d. All civil subdivisions may levy and collect such special taxes (not to exceed 2 mills) as they deem necessary to finance the operation and maintenance of their recreation system and they may make direct appropriations for same;

e. Any city, borough, township, county, or school district may perform the above public service jointly with any combination of civil subdivisions; and

WHEREAS, it is the considered judgment of the Board of Commissioners that adequate public recreation programs and facilities of the Township of Wilkins can best be advanced by placing the recreation system under the supervision and authority of the Board of Commissioners.

ORDAINED, by the Township of Wilkins,

SECTION 1. That Ordinance No. 399 creating the Recreation Board of the Township of Wilkins is hereby repealed and said Board is abolished.

SECTION 2. That such powers as are now or may hereafter be provided by statute of the Commonwealth of Pennsylvania, or by

ordinances of the Township of Wilkins relating to the development and operation of recreation systems, public parks, and playgrounds are hereby vested in the Board of Commissioners, to be exercised by it subject to any and all restrictions contained in such powers, ordinances, or statute.

SECTION 3. That all resolutions and ordinances of the Township of Wilkins in conflict herewith are hereby repealed.

ADOPTED this 11th day of MARCH, 1996, by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting.

ATTEST:

BY: Mae S. Franc
Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

BY: Peter G. Nychis
Peter G. Nychis, President of the Board of Commissioners

MNB050

ORDINANCE NO. 884

PROPOSED AMENDMENTS TO TOWNSHIP OF WILKINS ORDINANCE REGARDING OFF-STREET PARKING AND LOADING

§173-23. Off-street parking and loading.

A. Off-street parking.

(1) Off-street parking spaces shall be provided in accordance with the specifications of this section in any district whenever any new use is established or an existing use is enlarged.

Use	Parking Spaces Required
Dwellings	2 for each dwelling unit
Churches, theaters, schools, assembly halls, places of entertainment	1 for every 6 seats in the principal meeting room
Gas Stations	1 for every 200 square feet of Floor Area with not less than 8 spaces in any and all events
Stores, shops, clubs, funeral homes **[Amended 5-14-1979 by Ord. No. 644]**	1 for every ~~200~~ 250 square feet of Gross Leasable Floor Area
Business services (other than Gas Stations), warehouses, professional offices	1 for every 600 square feet of Floor Area
Manufacturing plants	1 for every 2 employees
Hospitals, Family Care Facilities, Family Care Home, Family Day Care Home and Group Homes	1 for every 3 beds, plus 1 for every 2 employees on the maximum working shift

Motels	1 for every rental unit, plus one for every 80 square feet of rental sales area used as a public food service facility, plus one for each six seats in the principal gathering room or rooms
Restaurants classified as "drive-in businesses" or which are known as "fast-food" restaurants **[Added 5-14-1979 by Ord. No. 644]**	1 for every 50 square feet of public floor space, plus 1 for each employee working the largest shift
Restaurants not classified as "drive-in" or "fast-food" **[Added 5-14-1979 by Ord. No. 644]**	1 for every 80 feet of public floor space, plus 1 for each employee working on the largest shift

(2) No off-street parking space shall have a width of not less than nine (9) feet, and an area less than one hundred seventy-one (171) square feet, exclusive of access drives, and aisles, and shall be of usable shape and condition.

(3) Any off-street parking lot shall be graded for proper drainage and surfaced so as to provide a durable and dust-less surface.

(4) Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any R District.

(5) When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one (1) space.

(6) There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive of not less than eight (8) feet in the case of a dwelling, and not less than twenty-four (24) feet in width in all other cases, leading to the parking or storage areas and to loading or unloading spaces required hereunder.

(7) Parking spaces may be located on a lot other than that containing the principal use only upon the grant of a

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special exception by the Zoning Hearing Board, provided that safe, convenient pedestrian access is assured, and that a written agreement, approved by the Township's Solicitor, shall be filed with the application for a zoning permit, containing a guarantee that such parking spaces shall be available so long as the principal use is continued.

(8) For the purposes of this section, the following terms shall have the following meanings:

(a) Gross Leasable Floor Area shall mean the total floor area of the building or improvement designed for tenant occupancy, excluding halls, corridors or other areas used in common by the tenants of the building or improvement, expressed in square feet and measured from the centerline of joint partitions and exteriors of outside walls.

(b) Floor Area shall mean the sum of the gross horizontal area of the several floors of the building or improvements, as measured between the exterior faces of the walls.

B. Off-street loading. One (1) off-street loading berth of not less than thirty-five by ten (35 x 10) feet shall be provided for every business and industrial use with a floor area of more than ten thousand (10,000) square feet, with one (1) additional berth required for each additional twenty-five thousand (25,000) square feet of floor area. Access and space to maneuver shall be sufficient so that no truck need back onto any public street or across any public sidewalk.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this ~~9th day of April, 1996~~.
14th day of May, 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 885

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING A SCHEDULE OF ATTORNEY FEES IN CONNECTION WITH THE COLLECTION OF OF DELINQUENT REAL ESTATE TAXES AND OTHER MUNICIPAL CLAIMS PURSUANT TO ACT 1 OF 1996

WHEREAS, the Board of Commissioners of the Township of Wilkins is required from time to time to enforce collection of delinquent real estate taxes and other municipal claims; and

WHEREAS, the expense of such enforcement, when absorbed by the Township of Wilkins, constitutes a further demand on the Township's tax resources; and

WHEREAS, Act 1 of 1996 amends the Municipal Claim and Lien Act of May 16, 1923, PL 207 No. 153, as amended 53 P.S. 7101, et. seq. (collectively the "Act"), to permit municipalities such as the Township of Wilkins to recover reasonable attorney fees in connection with the collection of municipal claims and defined under the Act from the persons and property owing such claims; and

WHEREAS, the Township of Wilkins desires to exercise such legal authority in order to encourage timely payment of municipal claims, including real estate taxes, and the collection of delinquent accounts, and to reduce the expense to other taxpayers of enforced collection.

NOW, THEREFORE, IT IS HEREBY ENACTED by the Board of Commissioners of the Township of Wilkins as follows:

SECTION I: Short Title: This Ordinance shall be known as the Delinquent Tax and Municipal Claim Attorney Fees Ordinance.

SECTION II: Fees Approved: The following schedule of attorney fees is hereby adopted and approved as reasonable attorney fees to be imposed in connection with the collection of municipal claims pursuant to Act 1 of 1996:

Attorneys	$ 125.00 per hour
Paralegals	65.00 per hour
Law Clerks	50.00 per hour

each as recorded and charged in units of 1/10th of an hour for all time deveoted to enforcement and collection. Counsel, whether duly employed or duly appointed by the Township, shall not deviate from this fee schedule absent an ordinance amending the same.

SECTION III: Required Notice: The notice required by Section 3(a.3) of the Act, as amended, 53 P.S. §7106, shall be provided in accordance therewith and shall be incorporated into the first and all subsequent collection or delinquency notices sent by the Township of Wilkins or its agent or counsel.

SECTION IV: Fees to be Accrued and Claims to be Filed: Fees shall accrue for all efforts in collection from and after the 30th day following the Notice provided under section 3 hereof, on all accounts referred to counsel for enforcement. Fees accumulated as a result of enforced collection shall be certified by the solicitor or duly appointed counsel for the Township of Wilkins and, if not collected in due course with the debt as by voluntary agreement, shall be included in all claims (including liens) filed on behalf of the Township of Wilkins in the course of enforcement including, if accrued before liening, any claim originally filed with the Prothonotary.

SECTION V: Effective Date and Retroactivity: This Ordinance shall take effect as of the date hereof, and shall apply to delinquent claims for the 1990 tax year and thereafter, as required or permitted by law. However, in no event shall the Township of Wilkins right to charge and assess reasonable attorney fees under Act 1 of 1996 be impaired by the fact that any claim may also include any amounts for delinquent years prior to 1990.

SECTION VI: Repealer: All prior Ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

RESOLVED AND ENACTED this 29th day of August, 1996 at a duly assembled meeting of the Board of Commissioners.

TOWNSHIP OF WILKINS

By Peter J. Nychis
Peter J. Nychis
President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 886

AN ORDINANCE OF THE TOWNSHIP OF WILKINS CONDEMNING AS A NUISANCE AND DANGEROUS STRUCTURE, THOSE CERTAIN STRUCTURES KNOWN AS: 681 Negley Avenue, now or formerly owned by Robert B. Moore and Bedelia C. Moore, his wife; 585 Tongalucas Street, now or formerly owned by Mary Alice Burke; and 907 Larimer Avenue, now or formerly owed by Joseph Marks.

BE IT ORDAINED AND ENACTED by the Council of the Township of Wilkins, in Council assembled, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. That the following buildings, having been examined by the Township Manager, serving in his capacity as the Township's temporary Code Enforcement Officer, and the Fire Inspector (collectively the "Officials"); and having been reported by said Officers to be structurally dilapidated, unsafe, unstable and unsanitary, prejudicial to the public health or safety and declared to be dangerous structures and nuisances within the meaning of the Act of Assembly of the Commonwealth of Pennsylvania, adopted 1931, June 24, P.L. 1206, Article XV, §1502, cl. XXVI; 1949, May 27, P.L. 1955, §31 (53 P.S. §56526), as supplemented and amended:

1. That certain (1) story frame house and integral garage located at 681 Negley Avenue, situate in the Township of Wilkins and being known and designated in the Deed Registry Office in and for Allegheny County, Pennsylvania as Block 454-P; Lot No. 234, now or formerly owned by Robert B. Moore and Bedelia C. Moore, his wife.

2. That certain (1) story and base frame shingled house located at 585 Tongalucas Street, situate in the Township of Wilkins and being known and designated in the Deed Registry Office in and for Allegheny County, Pennsylvania as Block 374-D; Lot No. 304, now or formerly owned by Mary Alice Burke.

3. That certain two and one-half (2 1/2) story aluminum siding house and one one (1) story concrete block garage located at 907 Larimer Avenue, situate in the Township of Wilkins and being known and designated in the Deed Registry Office in and for Allegheny County, Pennsylvania as Block 454-H; Lot No. 62, now or formerly owned by Joseph Marks.

SECTION 2. That the present owners of the aforesaid properties be given notice by Registered Mail of the adoption of this Ordinance by the Township of Wilkins, provided that the whereabouts of such owners becomes known.

SECTION 3. That, in the event that the aforesaid buildings

have not been razed and demolished by the owner thereof on or before the 30th day of November, 1996, the proper Township officials are hereby authorized and directed to advertise for bids for the demolition of such buildings and the restoration of the land to its natural state.

SECTION 4. That the proper officers of the Township and the Solicitor of this Township are hereby authorized and directed to file a Municipal Claim and Lien against the lot or ground upon which any building razed and demolished by the Township of Wilkins in connection therewith, together with a penalty of 10% as provided by law.

SECTION 5. That any ordinance or part of an ordinance conflicting with the provisions of this ordinance be and the same 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 September, 1996.

ATTEST:

BY: Mae S. Franc
Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

BY: Peter G. Nychis
Peter G. Nychis, President
Board of Commissioners

ORDINANCE NO. 887

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING A MUNICIPAL POLICE COOPERATIVE AGREEMENT WITH OTHER SIGNATORY MUNICIPALITIES TO ENFORCE NARCOTICS AND ILLEGAL DRUG LAWS AND THEREBY TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY; AND TO APPROVE AN AGREEMENT WITH THE OFFICE OF THE ATTORNEY GENERAL.

PREAMBLE

WHEREAS, the Township of Wilkins, Allegheny County, Pennsylvania, acting pursuant to the Intergovernmental Cooperation Act, Act of July 12, 1972, Act No. 180, 53 P.S. §481 et seq., as amended desires to enter into a Municipal Drug Task Force Agreement (hereinafter referred to as "Agreement") with the Office of the Attorney General other signatory municipalities to enforce narcotics and illegal drug laws and thereby promote the health, safety, and welfare of the community; and

WHEREAS, the Agreement is authorized and predicated upon the First Class Township Code, the Act referred to above and the Municipal Police Jurisdiction Act, 53 P.S. §8951 et seq.; and

WHEREAS, the purpose and objective of the Agreement is to foster increased cooperation among the various signatory municipalities, to improve drug law enforcement throughout the signatory municipalities, and to enhance the skill and professionalism of police officers from each of the signatory municipalities by, among other things, conferring authority upon police officers to exercise official duties in other municipalities thereby reducing the law enforcement problems relating to jurisdiction, territory, or boundary issues.

BE IT ORDAINED by the Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania as follows:

SECTION 1

The Township of Wilkins has evidenced its intent to participate in the **TACTICAL NARCOTICS TASK FORCE** designed to combat the illegal possession and trafficking of narcotics and other illegal or controlled drugs within its municipal boundaries as well as within the boundaries of other near or adjacent communities through cooperation with the Pennsylvania Office of Attorney General and other signatory municipalities.

SECTION 2

The Township of Wilkins hereby adopts the Agreement, together with the Task Force Guidelines, which provide a framework for intergovernmental police cooperation with various signatory municipalities under the terms of which police officers of each such municipality shall be and are granted the authority to officially act as police officers in any other signatory municipality, subject to the terms and conditions of the Agreement and the Task Force Guidelines, copies of which are attached hereto, made a part hereof and marked Exhibits "A" and "B", respectively.

SECTION 3

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

SECTION 4

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

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SECTION 5

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

SECTION 6

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

SECTION 7

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

SECTION 8

The entity created by this Ordinance shall be empowered to enter into contracts for policies of group life insurance and employee benefits, including social security, for its employees.

SECTION 9

This Ordinance shall become effective upon the execution of the Agreement.

SECTION 10

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

RESOLVED AND ENACTED THIS 30th day of September, 1996 at a duly assembled meeting of the Board of Commissioners.

ATTEST:

BY: Mae S. Franc
Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

BY: Peter G. Nychis
Peter G. Nychis, President
Board of Commissioners

ORDINANCE NO. 888

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ADOPTING THE "BOCA NATIONAL FIRE PREVENTION CODE, EIGHTH EDITION, 1990", AS THE APPLICABLE REGULATION CONTROLLING THE USE AND TRANSPORTATION OF EXPLOSIVES AND BLASTING AGENTS FOR ANY PURPOSE AND IN ANY AREA WITHIN THE TOWNSHIP OF WILKINS

Preamble

WHEREAS, the Township of Wilkins acting pursuant to the First Class Township Code, 53 P.S. 55101 et seq., desires to provide comprehensive protection from the hazards of explosives and blasting agents and thereby promote the health, safety and welfare of the community; and

WHEREAS, there currently exists standards for the regulation of explosives and blasting agents at Wilkins Township Ordinance No. 824; and

WHEREAS, Wilkins Township wishes to ensure that the standards adopted at Ordinance No. 824 apply to any and all such activities occurring at any location and for any reason within the Township.

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

SECTION I: The Township of Wilkins has evidenced its intent to provide a complete and comprehensive regulatory framework to control the use and transportation of explosives and blasting agents within the Township.

SECTION II: The Township of Wilkins hereby makes the standards of the "BOCA National Fire Prevention Code, Eighth Edition, 1990", as adopted and amended by the Township, applicable to the use and transportation of explosives and blasting agents for any purpose and at any location within the Township.

SECTION III: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

RESOLVED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of October 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis, President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 889

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING AN APPLICATION PROCEDURE FOR SECURING AN EXPLOSIVES PERMIT NECESSARY TO CONDUCT BLASTING OPERATIONS WITHIN THE COMMUNITY, AND THEREBY TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.

Preamble

WHEREAS, the Township of Wilkins, Allegheny County, Pennsylvania, acting pursuant to the First Class Township Code, 53 P.S. §55101 et seq., desires to establish uniform requirements and procedures for the application and issuance of explosives permits in order to promote the health, safety and welfare of the community; and

WHEREAS, the necessity of obtaining a permit from the Township prior to conducting any blasting operations is set forth in Section F-2600.2 of the "BOCA National Fire Prevention Code, Eights Edition, 1990", as adopted by the Township at Ordinance No. 824, Section I; and

WHEREAS, the purpose and objective of the permit application procedure is to ensure that permits are issued to responsible applicants who will comply with all applicable federal, state and Township regulations; and

WHEREAS, the Township wishes to protect the life and property of the residents of the Township from the hazards associated with the use of explosives.

BE IT ORDAINED by the Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania as follows:

Section 1

An explosive permit shall only be applied for, and issued to the legal owner of the property on which blasting activity will occur.

Section 2

Any applicant wishing to use or transport explosive materials within the Township of Wilkins must secure a permit, as required by the Wilkins Township Ordinance No. 824, Section I. Written Application for such a permit shall be made to the Wilkins Township Fire Marshal and must include the following:

1. Name of Applicant.

2. Address of Applicant.

3. Phone Number of Applicant.

4. Names of parties licensed by the Department of Environmental Protection to conduct blasting who are working with or at the direction of the Applicant.

5. A copy of a valid Department of Environmental Protection license to store, handle and use explosives, issued to the person conducting the blasting.

6. A proposed "Blast Plan".

   a. The "Blast Plan" shall include the location, times, quantity, and purpose of the blasting, and licensed person primarily responsible for the blasting.

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b. The "Blast Plan" shall identify, in feet, the distance from all proposed blasting to highways, roadways, alleys, underground or above-ground utilities, structures whether occupied or unoccupied, and any other installations that could be affected by blasting.

c. The "Blast Plan" shall describe any structures or installations falling within (B) above and shall list the names and addresses of the owners of any such structure.

d. The "Blast Plan" shall conform to all requirements of the "BOCA National Fire Prevention Code, Eighth Edition, 1990", as adopted by Wilkins Township at Ordinance No. 824, Section I, all Department of Environmental Protection blasting requirements in Title 25, Chapter 211 of the Pennsylvania Code, all applicable township ordinances amending or supplementing the BOCA Code, and all additional requirements as set forth in this Application procedure.

7. Photographs of all structures and/or installations that the Township in their discretion determines, after review of the Applicant's "Blast Plan," may be affected by the proposed blasting. This requirement shall be fulfilled to the satisfaction of the Township enforcement officer. No permit shall be issued prior to the completion of all such required photography.

8. Evidence of a liability insurance policy pursuant to Wilkins Township Ordinance No. 824, Section VIII(b).

9. Evidence of a bond in the form, amount and coverage determined by the legal authority of Wilkins Township pursuant to Wilkins Township Ordinance No. 824, Section I.

10. A fee for this application shall be $100.00. All fees shall be retained by Wilkins as compensation for processing the application whether or not a permit is issued.

11. The Fire Marshal of Wilkins Township, as the designated supervising enforcement officer under Wilkins Township Ordinance No. 824, Section III, may request any additional information from the applicant as he shall deem necessary to protect the health and safety of the public or to prevent public or private property from exposure to risk of damage, and may condition the issuance of this permit upon compliance with said additional criteria.

Section 3

If, upon completion of an application, the Fire Marshal determines that the Applicant has satisfied conditions 1-11 above, and the Fire Marshal is satisfied that issuance of an explosive/blasting permit will not result in a likelihood of harm to public health, safety or welfare, the Fire Marshal shall issue the permit.

Section 4

The applicant, by signing this application, certifies that he has read Wilkins Township Ordinance No. 824, the applicable section of the "BOCA National Fire Prevention Code, Eighth Edition, 1990", as adopted by Wilkins Township, and Chapter 211 of Title 25 of the Pennsylvania Code, and agrees that the issuance of an explosive/blasting permit is conditional upon the applicant's compliance with all regulations contained therein.

Section 5

The applicant understands that any permit issued by the Township of Wilkins shall remain in effect for the specific job only and a new permit is required for each new job, as long as his or her Department of Environmental Protection license remains valid. Invalidation or expiration of the Department of Environmental Protection license shall automatically revoke any permit issued by the Township.

Section 6

The applicant agrees that upon issuance of a permit, the Fire Marshal and the Deputy Fire Marshal, or any Township employee acting at their instruction may, for reasons of public safety, enter any vehicle, structure, dwelling, construction site, workplace or environment within the Township limits where he or she can articulate grounds to believe explosives are being stored or possessed or used. Said official may revoke said permit for any just cause, including but not limited to false statement or representations on the blasting permit or violation of any applicable ordinance or law. Any revocation of a permit may be appealed by the aggrieved party under the procedures of Wilkins Ordinance No. 824, Section VII.

RESOLVED AND ENACTED this 28th day of October, 1996 at a duly assembled meeting of the Board of Commissioners.

ATTEST: **TOWNSHIP OF WILKINS**

Mae S. Franc, Secretary

Peter G. Nychis, President
Board of Commissioners

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ORDINANCE NO. 890

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ACCEPTING THE DEDICATION OF THAT CERTAIN PUBLIC STREET KNOWN AS GRAYHURST DRIVE IN THE GRAYHURST PLAN OF LOTS AS A TOWNSHIP ROADWAY

WHEREAS, the application of Hawthorne Joint Venture for the street known as Grayhurst Drive in the Grayhurst Plan of Lots has been filed with the Township; and

WHEREAS, the engineer has reviewed and approved the application and the actual construction of Grayhurst Drive; and

WHEREAS, all final plans have been submitted and approved by the Township of Wilkins; and

WHEREAS, the Developer has provided to the Township, a Deed of General Warranty for all land dedicated as part of the proposed public street, together with a title insurance policy naming the Township as insured issued by a title insurance company authorized to do busdiness in the Commonwealth of Pennsylvania.

NOW, THEREFORE, be it ordained that the Board of Commissioners of the Township of Wilkins accept the dedication of Grayhurst Drive. Further, any and all financial security posted by the Developer in connection with Grayhurst Drive shall be released to the Developer.

RESOLVED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of October, 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis, President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 891

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING AN ORDINANCE PURSUANT TO SECTION 508 OF THE ACT OF MAY 17, 1921 (P.L. 682, NO. 284), KNOWN AS THE INSURANCE COMPANY LAW OF 1921, ADDED JULY 9, 1992 (P.L. 678, NO. 98), AS AMENDED IN 1994, ("SECTION 508") PROVIDING THAT IN CERTAIN FIRE LOSSES, THE INSURANCE COMPANY, ASSOCIATION OR EXCHANGE SHALL TRANSFER INSURANCE PROCEEDS TO A DESIGNATED OFFICER OF THE MUNICIPALITY TO PAY DELINQUENT TAXES, ASSESSMENTS, PENALTIES, USER CHARGES, THE COSTS FOR REMOVAL, REPAIR OR SECURING OF A BUILDING OR OTHER STRUCTURE ON THE PROPERTY, PROVIDING FOR FEES, PROVIDING FOR PENALTIES FOR VIOLATION AND SETTING FORTH PROCEDURES AND REQUIREMENTS PERTAINING TO SUCH INSURANCE PROCEEDS AND TO THE IMPLEMENTATION OF THE ACT IN THE TOWNSHIP OF WILKINS.

WHEREAS, the Pennsylvania General Assembly in 1992 provided in Section 508 for the collection of delinquent taxes from the proceeds of fire insurance policies, and amended Section 508 in 1994; and

WHEREAS, Section 508 provides procedures for the payment of certain fire loss claims while assuring municipalities of receiving payment for delinquent taxes; and

WHEREAS, it is the purpose of the legislation to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration; and

WHEREAS, the Township of Wilkins desires to adopt an ordinance pursuant to Section 508 to provide for the payment of delinquent taxes to the Municipality from the proceeds of certain fire loss claims.

It is, THEREFORE, ORDAINED AND ENACTED by the Commissioners of the Township of Wilkins as follows:

ARTICLE I: 1.1 The Township Manager or such official's designee (hereinafter, the "Municipal Officer") is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the Municipality stated herein.

1.2 A "fire loss" or claim for fire damage is defined as any loss occurring after the effective date of this Ordinance and covered under a policy of fire insurance, including any endorsements or riders to the policy.

ARTICLE II: No insurance company, association or exchange (hereinafter the "Insurance") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of Wilkins (hereinafter the "Municipality" where the amount recoverable for the fire loss to the structure under all policies exceeds Seven Thousand Five Hundred Dollars ($7,500.00), unless the Insurer and the named insured comply with the provisions of Section 500 (b) and the provisions of this ordinance and ordinance no. _____.

2.2 The Municipal Officer shall, upon the written request of the named insured specifying the tax description of the property, named and address of the (Insurer and the date agreed upon by the Insurer and the named insured as the date of the receipt of a loss report of the claim, furnish the Insurer either of the following within fourteen (14) working days of the request.

A. A certificate, or at the discretion of the Municipality, a verbal notification which shall be confirmed in writing by the Insurer to to the effect that, as of the date specirfied in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Municipal Officer's certificate or verbal notification, the Municipality has not certified any amount

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as total costs inc urred by the Municipality for the removal, repair or securing of a building or other structure on the property; or

B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and use charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Municipal Officer's certificate, the amount of the total costs, if any, certified to the Municipal Officer that have been incurred by the Municipality for the removal, repair or securing of a building or other structure on the property. For the purpose of this clause, the Municipality shall provide to the Municipal Officer the total amount, if any, of such costs, if available, or the amount of costs known to the Municipality at the time of the Municipal Officer's certificate.

A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the Municipality under applicable law.

2.3 Upon the receipt of a certificate pursuant to clause 2.3(A) of this ordinance, the insurer shall pay the claim of the named insured in accordance with the policy terms and the said Ordinance No. , if applicable.

2.4 Upon the receipt of a certificate all bills pursuant to clause 2.2(B) of this Ordinance, the insurer shall return the bill to the Municipal Officer and transfer to the Municipal Officer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill, or the full amount of the insurance proceeds, whichever is the lesser amount. The Municipality shall receive the amount and apply or credit it to payment of the items shown in the bill.

2.5 Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency.

ARTICLE III:

3.1 The transfer of proceeds to the Municipal Officer shall be on a pro rata basis by all insurers with applicable policies of insurance providing protection for fire loss.

3.2 The Council of the Township of Wilkins may by Ordinance or Resolution adopt additional procedures and regulations to implement Section 500 and this Ordinance and may by Ordinance fix reasonable fees to be charged for municipal activities or services provided pursuant to Section 508 and this Ordinance including, but not limited to, inssuance of certificates and bills.

ARTICLE IV:

4.1 Any owner of property, any named insured or any insurer who violates this ordinance shall be subject to a penalty of up to $1,000.00 per violation.

ARTICLE V:

5.1 The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

ARTICLE VI:

5.1 All ordinances or parts of ordinances conflicting with any of the provision of this Ordinance are hereby repealed inso far as same affects this Ordinance.

ARTICLE VII:

The Ordinance shall become effective on October 14, 1996.

7.2 A certified copy of this Ordinance shall be filed with the Pennsylvania Department of Community and Economic Development on or before its effective date.

RESOLVED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of October 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 892

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING AN ORDINANCE PURSUANT TO SECTION 500 OF THE ACT OF MAY 17, 1921 (P.L. 682 NO 283), KNOWN AS THE INSURANCE COMPANY LAW OF 1921, ADDED JULY 9, 1992 (P.L. 676, NO. 93), AS AMENDED IN 1994, (SECTION 508) PROVIDING THAT IN CERTAIN FIRE LOSSES, THE INSURANCE COMPANY, ASSOCIATION OR EXCHANGE SHALL TRANSFER INSURANCE PROCEEDS TO A DESIGNATED OFFICER OF THE MUNICIPALITY FOR SECURITY AGAINST THE TOTAL COST OF REMOVING, REPAIRING, OR SECURING THE DAMAGED BUILDING, PROVIDING FOR FEES, PROVIDING FOR PENALTIES FOR VIOLATION AND SETTING FORTH PROCEDURES AND REQUIREMENTS PERTAINING TO SUCH INSURANCE PROCEEDS AND TO THE IMPLEMENTATION OF THE ACT IN THE TOWNSHIP OF WILKINS.

WHEREAS, the Pennsylvania General Assembly in 1992 provided in Section 508 for the escrow or proceeds of fire insurance policies in order to secure the repair, removal and securing of property incurring a fire loss, and whereas, the General Assembly amended Section 508 in 1994; and

WHEREAS, it is the purpose of the legislation to deter the commission of arson and related crimes to discourage the abandonment of property, and to prevent urban blight and deterioration; and

WHEREAS, the Township of Wilkins desires to adopt an ordinance pursuant to Section 508 to provide for the establishment of an escrow account or accounts to receive certain payments of proceeds from fire loss claims in the Municipality.

It is, THEREFORE ORDAINED and ENACTED by the Council of the Township of Wilkins as follows:

ARTICLE I:

1.1 The Township Manager or such official's designee (hereinafter, the "Municipal Officer:) is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the Municipality stated herein.

1.2 A "fire loss" or claim for fire damage is defined as any loss occurring after the effective date of this Ordinance and covered under a policy of fire insurance, including any endorsements or riders to the policy.

ARTICLE II:

2.1 No insurance company, association or exchange (hereinafter the "Insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of Wilkins (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds Seven Thousand Five Hundred Dollars ($7,500.00), unless the Insurer is furnished by the Municipal Officer with a municipal certificate pursuant to Section 508(b) and unless there is compliance with Sections 508(c) and (d) and the provisions of this Ordinance and Ordinance No. .

2.2 After full compliance with the requirements of Section 308(b) (i) and the said Ordinance No. , the Insurer shall pay the claim of the named insured, provided, however, that if the loss is agreed upon by the named insured and the Insurer equals or exceeds 60 percent of the aggregiate limits of liability on all fire policies covering the building structure, the following procedures shall be followed:

A. The Insurer shall transfer from the insurance proceeds to the Municipal Officer the aggregate of $2,000.00 for each $15,000.00 of a claim and for each fraction of that amount of a claim, provided (1) that this section is to be applied such that if the claim is $15,000.00 or less, the amount transferred to the

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Municipality shall be $2,000.00; and (2) that, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the Insurer shall transfer to the Municipality from the insurance proceeds the amount based upon the estimate.

B. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other sructure. Policy proceeds remaining after the transfer to the Municipality shall be disbursed in accordance with the policy terms.

2.3 After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Municipality in excess of the estimate to the named insured, if the Municipality has not commended to remove, repair or secure the building or other structure.

2.4 Upon receipt of proceeds under this section, the Municipality shall do the following:

A. The Municipal Officer shall place the proceeds in the separate fund to be used solely as security against the total cost of removing, repairing or securing the building or structure which are incurred by the Municipality. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the municipality the connection with such removal, repair or securing of the building or any proceedings related thereto; and

B. It is the obligation o f the Insurer when transferring the proceeds to provide the Municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Municipal Officer shall contact the name insured, certify that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed; and

C. When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Municipality and the required proof of such completion received by the Municipal Officer, and if the Municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the funds and, if excess funds remain, the Municipality shall transfer the remaining funds to the named insured; and

D. To the extent that interest is earned on proceeds held by the Municipality pursuant to this Section, and retained by it, such interest shall belong to the Municipality. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the name insured at the time that the proceeds are returned.

2.5 Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this Ordinance shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

ARTICLE III:

3.1 The Commissioners the Township of Wilkins may by resolution or ordinance adopt procedures and regulations to implement Section 508 and this Ordinance and may by ordinance fix reasonable fees to be charged for municipal activities or services provided pursuant to Section 508 and this Ordinance including but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

ARTICLE IV:

4.1 Any owner of property, any named insured or any Insurer who violates this Ordinance shall be subject to a penalty of up to $1,000.00 per violation.

ARTICLE V:

5.1 The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

ARTICLE VI:

6.1 All ordinances or parts of ordinances conflicting with any of the provision of this Ordinance are hereby repealed insofar as same affects this Ordinance.

ARTICLE VII:

7.1 The Ordinance shall become effective on the 14th day of October 1996.

7.2 A certified copy of this Ordinance shall be filed with the Pennsylvania Department of Community and Economic Development on or before its effective date.

ORDAINED AND ADOPTED by the Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of October 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 893

AN ORDINANCE OF THE TOWNSHIP OF WILKINS APPROPRIATING SPECIFIC SUMS ESTIMATES TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HERINAFTER SET FORTH DURING THE YEAR 1997

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins are authorized to execute Ordinance No. 893.

SECTION I: That the expenditures and expenses of the fiscal yea 1997 the following amounts are hereby appropriated from the fund equities, revenues and other FINANCING SOURCES AVAILABLE FOR THE YEAR 1997 FOR THE SPECIFIC PURPOSES AS SET FORTH:

REVENUES:	GENERAL FUND	HIGHWAY FUNDS	OTHER FUNDS	PROPIETARY	FIDUCIARY
CASH	$ 50,000.00	$ 500.00	$ 50.00	$ 92,400.00	$ 255,000.00
TAXES	2,224,000.00				
LICENSES/PERMITS	51,900.00				
FINES/FORFEITS	26,200.00				
INTEREST & RENTS	16,000.00	3,000.00	400.00	1,000.00	6,000.00
INTERGOVERNMENTAL REVENUE	328,888.71	103,688.71	15,000.00	290,000.00	
CHARGE SERVICES	91,814.00				
MISCELLANEOUS REVENUE	408,250.00			4,000.00	
TOTAL	3,197,052.71	107,188.71	15,450.00	387,400.00	261,000.00
EXPENDITURES					
GENERAL GOVERNMENT	356,956.85				20,000.00
PUBLIC SAFETY	1,123,754.23				
SANITATION	243,260.60			221,000.00	180,000.00
HIGHWAYS & STREETS	922,495.03	107,000.00			
RECREATION	22,755.00		15,000.00		
DEBT SERVICE	385,000.00			166,400.00	
MISCELLANEOUS	3,000.00				
OTHER FINANCING	129,831.00				
RESERVES	-0-	188.71	450.00	-0-	61,000.00
TOTAL APPROPRIATED	3,197,052.71	107,188.71	15,450.00	387,400.00	261,000.00

ORDAINED AND ADOPTED by the Board of Commissioners of the Township o Wilkins at a duly assembled meeting held this 30th day of Decem 1997.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 894

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
FIXING THE REAL ESTATE TAX RATE
FOR THE YEAR 1997

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 1997 as follows:

TAX RATE FOR GENERAL PURPOSES

The sum of Twenty and one half (20-1/2) mills on each dollar of assessed valuation or the sum of two hundred and five (205) 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	20-1/2 Mills	205 Cents
TOTAL	20-1/2 Mills	205 Cents

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 30th day of December, 1996.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 895

AN ORDINANCE OF THE TOWNSHIP OF WILKINS PROVIDING FOR BUSINESSES SITUATE IN THE TOWNSHIP OF WILKINS WHICH CONDUCT OR ARE ENGAGED IN ADVERTISING CONTAINING THE LOCATION OF THE BUSINESS, TO INCLUDE ACCURATE REFERENCE TO THE LOCATION OF THE BUSINESS BY SPECIFICALLY REFERRING TO "WILKINS TOWNSHIP"; FOR PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND FURTHER PROVIDING FOR THE DUTIES OF THE CODE ENFORCEMENT OFFICER IN CONNECTION THEREWITH.

WHEREAS, the Township of Wilkins, Allegheny County, Pennsylvania, is desirous of promoting the health, safety and welfare of those coming into the confines of the municipality and of its residents who patronize mercantile establishments throughout the Township; and

WHEREAS, the summoning of aid in the form of police assistance, fire suppression and emergency medical services is directly related to achieving the goal of enhancing the health, safety and welfare of the aforementioned persons; and

WHEREAS, both township residents and others who come into the Township are often unfamiliar with the location of the municipal boundaries and the exact location of many specific businesses and whether they are situate within the Township or without the Township; and

WHEREAS, such persons that summon emergency assistance occasionally act to summon such assistance from the Municipality of Monroeville and adjacent municipalities, other than the Township of Wilkins, resulting in delays at times when the prompt response is essential to preserve property and life; and

WHEREAS, a number of businesses, mercantile establishments and other retail facilities have been found to communicate and publish through advertising and signs that the commercial establishment is situate in the Municipality of Monroeville or other municipalities, rather than in the Township of Wilkins, thereby exacerbating the confusion of patrons and other visitors; and

WHEREAS, the Board of Commissioners of the Township of Wilkins makes a finding of fact that such an incorrect designation of the municipal situs of a commercial establishment has contributed to the confusion of patrons and other visitors to commercial establishments resulting in delays associated with misdirected requests for emergency assistance, which the Board of Commissioners seeks to remedy by enactment of this Ordinance.

NOW THEREFORE, the Board of Commissioners of the Township of Wilkins do hereby ordain and enact as follows:

Section 1.

SS 159-1 Short title.

This ordinance may be cited as the Wilkins "Truth-in-Advertising Ordinance"

SS 159.2 Definitions.

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

ADVERTISEMENT -- Any offer, intended for general distribution to the public or to a specific group of persons, to provide information or to place goods or services into the stream of commerce, by or on behalf of a person or entity who deals in goods or services or otherwise by his occupation holds himself or herself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or

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skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds himself or herself out as having such skill.

COMMERCIAL ESTABLISHMENT -- An enterprise, activity, profession or any other undertaking of an incorporated or unincorporated nature conducted for profit or ordinarily conducted for profit, whether by a person, partnership, corporation, association or any other entity. This term shall include a person, partnership, corporation, association, institution or other entity employing one (1) or more persons for a salary, wage, commission or other compensation.

SS 159-3 Truth-in-Advertising.

Every Commercial Establishment, that places Advertisements in newspapers, circulars, television, radio and in forms of media whatsoever developed, or in any other way or form communicates its location to the general public, other than specifying the general street address or mailing address, shall not identify the location of the Commercial Establishment as being located in a municipality other than the Township of Wilkins unless the Advertisement or communication conspicuously identifies the location of the Commercial Establishment as within the Township of Wilkins.

SS 159-4 Truth-in-Advertising; Penalty for Violation, Injunctive Relief

The penalty for violating this Truth-in-Advertising Ordinance shall be five hundred dollare ($500) per occurance plus the court costs of prosecuting the violation. Each such publication of an Advertisement in violation shall be deemed a separate violation. For Advertisements in violation that are broadcast electronically, each such broadcast shall be deemed a separate violation. The Township Solicitor, upon the express direction of the Board of Commissioners or a designee thereof, shall be authorized to petition the Court of Common Pleas for injunctive relief for any violation of this chapter.

SS 159-5 Duties of Code Enforcement Officer.

The Code Enforcement Officer shall be responsible for the enforcement of this Ordinance. From time to time the Code Enforcement Officer shall review and monitor such advertising to determine that the Commercial Establishments are complying with the provisions herein. When the Code Enforcement Officer determines that a Commercial Establishment has not complied with this Ordinance, he shall institute proceedings before a District Justice for the violation of this Ordinance.

Section 2. Ordinance No. 834 of March 8, 1993, (unofficially codified as Wilkins code ss 173-34) is hereby amended to read as follows:

SS 173-34 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 bands, spinners, attention-getting devices that move, except for temporary signs that are subject to the regulations set forth in numbered paragraph 2(d) (unofficially codified as Wilkins Code ss 173-30D).

B. Signs which exhibit changing natural or artifical light or color effects and signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from 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 created 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. 25

25 Editor's Note (in unofficial codification): See 36 P.S. SS 2718.101 et seq.

L. Signs which the Zoning Officer determines to be unsafe or insecure or that is erected in violation of the provisions of this Article.

M. Signs which indicate a location in a municipality other than Wilkins Township, or which could reasonably confuse the public into believing that the business is located in a municipality other than Wilkins Township.

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Section 2. All ordinances or parts of ordinances in conflict herewith are repealed in so far as they conflict with the provisions of this Ordinance.

Section 3. If all or any portion of this Ordinance is for any reason invalidated, such other portion or portions of the Ordinance as are not invalid shall continue in force.

Section 4. This Ordinance shall become effective in ninety (90) days.

ORDAINED AND ENACTED this twenty seventh day of January, 1997, at a duly assembled meeting of the Board of Commissioners.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 896

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING CHAPTER 148 OF THE WILKINS CODE AS ENACTED BY SECTION 304 OF ORDINANCE NO. 802 OF OCTOBER 8, 1990 REGARDING MAJOR SUBDIVISION AND LAND DEVELOPMENT PROCEDURES BY ADDING CERTAIN REQUIREMENTS FOR THE APPROVAL OF PRELIMINARY AND FINAL PLANS.

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

Section 1. Chapter 148 of the Wilkins Code as enacted by Section 304 of Ordinance No. 802 of October 8, 1990 is hereby amended as follows:

§ 148-16. Preliminary plan.

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

B. The preliminary plan shall show or be accompanied by [or show] the following information:

(1) The proposed subdivision or land development name or identifying title.

(2) The township name.

(3) The North point, scale and date of preparation.

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

(5) The name of the registered engineer or surveyor or other person responsible for the plan.

(6) The tract boundaries with bearings and distances.

(7) The existing contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser intervals as may be necessary for satisfactory study and planning of the tract. Datum to which contour elevations refer shall be United States Coast and Geodetic Survey datum. (The township will furnish elevations of nearest known bench marks.)

(8) All existing watercourses, floodplains or tree masses and other significant natural features.

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

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

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

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(12) The location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with appropriate dimensions and areas of all lots; proposed minimum setback 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; and typical section of all streets.

(13) The total acreage, number of lots, average lot size, density, open space and existing zoning classification.

(14) The names of owners of all adjoining properties and the names of all abutting subdivisions.

(15) A location map at a scale of four hundred (400) feet to the inch showing the proposed development and adjoining areas.

(16) 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.

(17) 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]** **<u>Protection</u>**. The completed module shall accompany the preliminary plan submission.

(18) When on-lot water line water supply is proposed, the location of all well sites.

(19) When required by § 148-30 of this chapter, a proposed soil erosion and sedimentation control plan.

(20) When required, the information required by § 148-31 of this chapter, which may be by separate plan.

(21) A block for signatures of the reviewing agency membership and date of recommendation.

(22) A block for signatures of the Board of Commissioners and date of approval.

(23) Land development plans shall show building locations, <u>elevation drawings, building floor plan, cross-section drawings</u> and parking areas in addition to the above information.

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

(25) 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.

(26) 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 chapter.

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

(28) When a development involves a parcel of land of one (1) acre or more, the developer shall submit a report with information as required by Chapter 173, Zoning, § 173-26.

(29) Existing and proposed vehicular and pedestrian circulation system serving the development, including streets, driveways and walkways, showing proposed ownership, rights-of-way and cartway widths and type of construction.

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

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

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

(33) Statement of the approvals and permits that will be required for the proposed development from the county, commonwealth or federal agencies.

(34) Location and effect of outdoor lighting on highways and residential properties in sights line of proposed lighting.

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§ 148-17. Final Plan.

A. Final plans shall be drawn, annotated and sized in conformance with the Regulations of the Allegheny County **[Planning Commission]** **planning agency** and Recorder of Deeds.

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

(1) The subdivision name or identifying title.

(2) The township name.

(3) The North point, scale and date of preparation and date of preliminary plan approval.

(4) The name(s) and addresses of the **[record]** owner(s) of the property, and subdivider or land developer, including reference to deed book, volume and page of current legal owner.

(5) The name and seal of the registered engineer or surveyor responsible for the plan.

(6) The tract boundaries with bearings and distances.

(7) 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.

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

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

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

(11) The proposed building setback line for each street and the proposed placement of each building, except placement for single-family dwellings.

(12) The location and width of all rights-of-way and easements and the purpose for which the rights-of-way and easements were established.

(13) The location of all sanitary and storm sewer easements and the location of all watercourses and detention ponds, whether public or private.

(14) All dimensions shall be shown in feet and hundredths of a foot.

(15) Lots within a subdivision shall be numbered and their area shown within the lot boundaries.

(16) The typical section for all proposed streets.

(17) Permanent reference monuments shall be shown on the plan and designated existing or proposed.

(18) The names of the adjoining subdivisions shall be shown.

(19) The names of the owners of any adjoining unplotted land shall be shown.

(20) An approval block providing for the signatures of the reviewing agency and the Board of Commissioners and the date of approval.

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

(22) A statement of acknowledgment 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 shown on the final plan is the act and deed of the subdivider and that it is desired to record the same.

(23) A copy of the sewerage plan revision module for land development or other equivalent documentation approved by the Department of Environmental **[Resources]** **Protection** in compliance with the requirements of the Pennsylvania Sewerage Facilities Act.[10]

(24) 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 or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

C. The final plan shall be accompanied by an improvement and construction plan, including, but not limited to, elevation drawings, building floorplans and cross-section drawings.

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

Horizontal (feet per inch)	Vertical (feet per inch)
50	5 or 10
40	4
100	10

(2) It shall show the following:

(a) The subdivision name or identifying title.

(b) North point, scale and date.

(c) The name of the owner of record, the subdivider and telephone number.

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[10] Editor's Note: See 35 P.S. § 750.1 et seq.

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(d) The name and seal of the registered professional engineer or surveyor responsible for the plan.

(e) The center line of streets with bearings, distances, curve data, sight distances and stations corresponding to the profile.

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

(g) The beginning and end of proposed construction of streets.

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

(i) The location of all monuments with reference to them.

(j) Property lines and ownership of abutting properties.

(k) The location and size of all drainage structures, public utilities, street name signs and shade trees.

(l) The location and size of storm and/or sanitary sewer lines with stations corresponding to the profile.

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

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

(o) The beginning and end of proposed construction of storm and/or sanitary sewer.

(p) The location of storm and/or sanitary sewer laterals, Y's, etc.

(q) The location of all other drainage facilities and public utilities.

(r) The profile of existing ground surface along the center line of the street.

(s) The proposed center-line grade of streets with percent of grade tangents and elevations at fifty-foot intervals, including grades at intersections, control points, etc.

(t) The vertical curve data of streets, including length and elevations and sight distance as required by the Township Engineer.

(u) The profile of existing ground surface with elevations at top of manholes or inlets.

(v) The profile of storm drains or sewers showing the size of pipe, grade cradle (if any), manhole or inlet locations and elevations at flow line.

D. The final plan shall be accompanied by a grading and drainage plan prepared in accordance with §§ 148-24 and 148-25 of this chapter.

E. The final plan shall be accompanied by a soil erosion and sedimentation control plan when required by § 148-30 of this chapter.

F. When required, the information required by § 148-31 of this chapter, which may be a separate plan, shall be submitted.

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

H. The final plan shall be accompanied by a copy of 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.

I. 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 township-required improvements, including, but not limited to streets, curbs, sidewalks and storm drainage facilities.

J. The final plan shall be accompanied by an approved Department of Environmental **[Resources]** **Protection** planning module where on-lot sewerage disposal systems or community treatment systems are proposed or written proof of the Department of Environmental **[Resources]** **Protection's** approval for the extension of existing sanitary sewer service.

K. The final plan shall be accompanied by, if required, a highway occupancy permit or review and written approval by the Pennsylvania Department of Transportation.

L. The final plan shall be accompanied by an approval by the United States Postal Service of street names.

M. 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.

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

(1) The right-of-way width and location and the width of paving.

(2) The type, thickness and crown of paving.

(3) The type and size of the curb.

(4) The grading of the sidewalk area.

(5) The location, width, type and thickness of sidewalks.

(6) The typical location of sewers and utilities, with sizes.

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Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed in so far as they conflict with this ordinances.

ORDAINED AND ENACTED this twenty seventh day of January, 1997 at a duly assembled meeting of the Board of Commissioners

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 897

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AS REQUIRED BY SECTION 1502(IV) OF THE FIRST CLASS TOWNSHIP CODE OF PENNSYLVANIA ESTABLISHING THE COMPENSATION OF THE MANAGER OF THE TOWNSHIP OF WILKINS

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

SECTION I: The annual compensation of the Township Manager shall be set at $44,000.00 per year effective January 1, 1997.

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

SECTION III: The Manager shall also receive annual compensation for his services as the Assistant Secretary of the Township in the amount of $500.00.

SECTION IV: All ordinances or parts of ordinances conflicting with this Ordinance are hereby repealed in so far as they conflict herewith.

ORDAINED AND ADOPTED this 10th day of February 1997 at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

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ORDINANCE NO. 898

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REDUCING THE RATE OF LEVY OF SEWERAGE USER FEE UPON SANITARY SEWER CONNECTIONS WITHIN THE TOWNSHIP OF WILKINS

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

SECTION I: That the sewer users fee previously enacted and levied by the Township of Wilkins at or by Ordinance No. 822 shall continue except as modified by Section 2 hereof.

SECTION II: That the previously levied schedule of rates applicable to users of metered water be and the same is hereby reduced in amount as follows:

The rates and charges applicable to users of metered water, to be paid by users of metered water, as set forth in Section I, subparagraph A of Ordinance No. 822, shall be equal to the prevailing ALCOSAN service charge together with a charge to be paid to the Township of Wilkins equal to thirty-eight cents ($0.38) per one thousand gallons of water used. In any and all events, the fee to be paid to the Township of Wilkins shall not be less than the prevailing ALCOSAN service charge, together with a minimum charge of Five Dollars ($5.00) per quarter per user.

SECTION III: This ordinance shall be effective immediately and shall relate to all charges for services rendered:

A. During 1997

B. Evidenced by a billing by ALCOSAN transmitted to the Township of Wilkins after March 1, 1997.

SECTION IV: In all other respects, Ordinanc e No. 822 shall continue in full force and effect.

SECTION V: All ordinances or parts of ordinances conflicting with this Ordinance are hereby repealed in so far as they conflict herewith.

ORDAINED AND ADOPTED this 10TH day of February, 1997, at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins.

TOWNSHIP OF WILKINS

By Peter L. Nychis
Peter L. Nychis
President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc, Secretary

MNB050

ORDINANCE NO. 899

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, REVISING AND REENACTING THE REQUIREMENT OF RESIDENCY FOR TOWNSHIP EMPLOYEES OF THE CLASSIFIED SERVICE, AND ENACTING THE REQUIREMENT OF RESIDENCY FOR EMPLOYEES OF THE EXEMPT SERVICE

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

Section 1. Ordinance No. 334, adopted June 1, 1964, as amended from time to time, is hereby amended in so far as it establishes residency requirements for employees to read as follows:

RESIDENCE REQUIREMENTS -- All employees serving in the classified and exempt services of the township, as defined in Ordinance 334, adopted June 1, 1964, as amended, as an express condition of employment or continued employment, must be residents of the Township of Wilkins, Allegheny County, Pennsylvania as hereafter provided. Any person appointed or employed by the township shall, if not a resident at the time of appointment, establish their residence within the township within one year of their date of appointment or employment, or within one year of the date of adoption of this ordinance. Employees who are initially employed on probationary status shall establish their residence within one year of the date upon which their status as a probationary employee ends. The Board of Commissioners shall have the power to grant extensions of time, for good cause shown, to any employee who has not complied with the provisions of this section.

EXCEPTIONS TO RESIDENCE REQUIREMENTS -- The following employees and appointed officials shall be exempt from the provisions of the preceding section: **(a)** current full time employees who (i) are employees as of the date hereof; and (ii) are authorized under the existing ordinance(s) or existing written negotiated agreement to reside outside the Township; and (iii) now reside outside the Township, **(b)** the township manager, **(c)** the township solicitor, **(d)** the township engineer, **(e)** other officers appointed in their professional capacities, and **(f)** part time employees and various short term employees, including summer and seasonal part time employees and interns.

ENFORCEMENT AND REPORTING -- The township manager shall, from time to time, require employees of the township to complete such forms and affidavits as are determined to be necessary for the administration and enforcement of this ordinance.

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed in so far as they conflict with this ordinance.

Section 3. This Ordinance shall become effective when adopted.

ORDAINED AND ENACTED this 31st day of March, 1997, at a duly assembled meeting of the Board of Commissioners.

ATTEST:

By: Mae S. Franc
Mae S. Franc
Secretary

TOWNSHIP OF WILKINS

By: Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

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ORDINANCE NO. 900

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA FIXING THE RATE OF LEVY OF SEWERAGE USER FEE UPON SANITARY SEWER CONNECTIONS WITHIN THE TOWNSHIP OF WILKINS

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

SECTION 1. That the sewer users fee previously enacted and levied by the Township of Wilkins at or by Ordinance Nos. 822 and 898 shall continue except as modified by Section 2 hereof.

SECTION 2. That the previously levied schedule of rates applicable to users of metered water be and the same is hereby changed as follows:

The rates applicable to users of metered water, to be paid by users of metered water, shall be equal to the prevailing ALCOSAN service charge together with a charge to be paid to the Township of Wilkins equal to Seventy-Five cents ($ 0.75) per one thousand gallons of water used. In any and all events, the fee to be paid to the Township of Wilkins shall not be less than the prevailing ALCOSAN service charge, together with a minimum charge of Five Dollars ($ 5.00) per quarter per user.

SECTION 3. This Ordinance shall be effective immediately.

SECTION 4. In all other respects, Ordinance No. 822 shall continue in full force and effect.

SECTION 5. Ordinance 898 is hereby repealed.

SECTION 6. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed in so far as they conflict with this ordinance.

ORDAINED AND ENACTED this 31st day of March, 1997 at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins.

ATTEST:

By: Mae S. Franc
Mae S. Franc
Secretary

TOWNSHIP OF WILKINS

By: Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

MNB050

ORDINANCE NO. 901

AN ORDINANCE OF THE TOWNSHIP OF WILKINS CONDEMNING AS A NUISANCE AND DANGEROUS STRUCTURE, THOSE CERTAIN STRUCTURES KNOWN AS: 510 Upper Mortimer Avenue, now or formerly owned by Eva T. Smith; and 854 Larimer Avenue, now or formerly owned by Richard T. Grainger.

BE IT ORDAINED AND ENACTED by the Council of the Township of Wilkins, in Council assembled, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. That the following buildings, having been examined by the Township Manager, serving in his capacity as the Township's temporary Code Enforcement Officer, and the Fire Inspector (collectively the "Officials"); and having been reported by said Officers to be structurally dilapidated, unsafe, unstable and unsanitary, prejudicial to the public health or safety and declared to be dangerous structures and nuisances within the meaning of the Act of Assembly of the Commonwealth of Pennsylvania, adopted 1931, June 24, P.L. 1206, Article XV, §1502, cl. XXVI; 1949, May 27, P.L. 1955, §31 (53 P.S. §56526), as supplemented and amended:

1. That certain one and one-half (1 1/2) story frame insulbrick house located at 510 Upper Mortimer Avenue, situate in the Township of Wilkins and being known and designated in the Deed Registry Office in and for Allegheny County, Pennsylvania as Block 455-A; Lot No. 92, now or formerly owned by Eva T. Smith.

2. That certain two and one-half (2 1/2) story frame insulbrick house located at 854 Larimer Avenue, situate in the Township of Wilkins and being known and designated in the Deed Registry Office in and for Allegheny County, Pennsylvania as Block 454-L; Lot No. 186, now or formerly owned by Richard T. Grainger.

SECTION 2. That the present owners of the aforesaid properties be given notice by Registered Mail of the adoption of this Ordinance by the Township of Wilkins, provided that the whereabouts of such owners becomes known.

SECTION 3. That, in the event that the aforesaid buildings have not been razed and demolished by the owner thereof on or before the 12th day of May, 1997, the proper Township officials are hereby authorized and directed to advertise for bids for the demolition of such buildings and the restoration of the land to its natural state.

SECTION 4. That the proper officers of the Township and the Solicitor of this Township are hereby authorized and directed to file a Municipal Claim and Lien against the lot or ground upon which any building razed and demolished by the Township of Wilkins

in connection therewith, together with a penalty of 10% as provided by law.

SECTION 5. That any ordinance or part of an ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 12th day of May, 1997.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

By Mae S. Franc
Mae S. Franc, Secretary

MNB050

ORDINANCE NO. 902

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING AND MODIFYING ORDINANCE NO. 355 AND THE EXISTING WILKINS TOWNSHIP UNIFORMED EMPLOYEE PENSION PLAN BY ADDING PROVISIONS PROVIDING PENSION BENEFITS TO UNIFORMED EMPLOYEES SUFFERING A PERMANENT SERVICE-RELATED DISABILITY.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins, at a public meeting duly assembled, and it is hereby ordained and enacted by the authority of the same as follows:

1. Ordinance No. 355, adopted March 1, 1965, as previously amended and modified, is hereby further amended, modified and republished, by adding to the end thereof, the following section designated as "Section E":

> "Section (E). Members of the police force shall become eligible to recover, from the police pension fund under this Ordinance, upon total and permanent disablement or disability resulting directly from service-related injuries incurred while in the line of duty, a monthly pension or retirement benefit (a 'Disability Benefit'). The amount of the Disability Benefit will be computed in accordance with Sections 6(A) through (D) above. For the purposes of Sections 6(B) and 6(C) hereof, the total and permanent disablement or disability of a member of the police force shall be deemed to constitute 'retirement' under such subsections."

2. This Ordinance shall be and become effective as of the date hereof.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 27th day of May, 1997.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc, Secretary

ORDINANCE NO. 903

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF APPROXIMATELY .036 ACRES OF PROPERTY ADJACENT TO THE INTERSECTION OF BROWN AVENUE AND RUSSELL LANE FOR TOWNSHIP ROAD PURPOSES.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

It is deemed necessary for township purposes in order to provide access to the properties across the creek from Brown Avenue that the Russell Lane bridge be reconstructed and the reconstruction of the bridge requires the acquisition of private property adjacent to Russell Lane as is hereinafter more specifically described.

SECTION 2.

The Township of Wilkins hereby appropriates in fee simple the following described property for use in the reconstruction of the Russell Lane bridge:
Beginning at a point, to be called the place of beginning, on the easterly right-of-way of Brown Avenue (S.R. 0130). Said point also being the southwest corner of the Russell Lane right-of-way dedicated to the Township of Wilkins and adopted by ordinance on September 28th, 1987, and recorded in DBV 7695, page 277. Said point also being the northwestern corner of that property now or formerly owned by Andrew & Andrea Russell, DBV 7104, page 30. From said place of beginning along the southerly right-of-way of Russell Lane and the northerly line of the Andrew Russell property the following four (4) courses, N 89°06'43" E for a distance of 47.37 feet to a point of curve, thence along a curve to the right in an easterly direction having a radius of 50' and an arc distance of 10.45 feet, thence by a curve to the right in an easterly direction having a radius of 50 feet and an arc distance of 1.82 feet to a point of tangent, thence S 76°49'37" E for a distance of 15.03 feet to a point. Thence, into that property now or formerly owned by said Andrew Russell S. 14°21'08" W for a distance of 20.53 feet, thence S89°06'43" W for a distance of 67.27 feet, thence N 04°10'00" W for a distance of 25.00 feet along the easterly right of line of Brown Avenue (S.R. 0130) to the place of beginning.
The property as herein described contains an area of approximately 0.036 acres.

SECTION 3.

The said property is a portion of the property now or formerly owned by Andrew and Andrea Russell and is described in the conveyance from Andrew Russell to Andrew Russell and Andrea Russell, his daughter, by deed dated April 4, 1985 and recorded on June 24, 1985 in the Office of the Recorder of Deeds of Allegheny County in DBV 7104, page 30.

SECTION 4.

A drawing prepared by the township engineer, showing the exact location of the property and dated September 22, 1996 is adopted as part of this Ordinance and is on file in the office of the Township Secretary where the same may be examined by any interested persons.

SECTION 5.

The township solicitor is directed to prepare, file and serve a Declaration of Taking upon the owner(s) of the aforesaid property in accordance with law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 8th day of September, 1997.

ATTEST:

By Mae S. Franc
Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

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ORDINANCE NO. 904

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANT MANHOLES AND LATERALS IN TOWNSHIP STREETS AND PRIVATE PROPERTY, DESIGNATING THE PROJECT AS THE MCMASTER AVENUE 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 from a manhole located in Turtle Creek at the terminus of Stewart Avenue and through private properties which front on McMasters Avenue, a distance of approximately 400 feet 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 between the Turtle Creek Valley Council of Governments, acting as agent for the Township of Wilkins, and 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 or resolution either a tap in fee or sewer rental or assessment procedure for collection of the costs and expenses of the project.

SECTION 5.
The sanitary sewer project herein authorized shall be known as and is hereby designated as the McMaster Avenue 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 8th day of September 1997.

ATTEST:

By Mae S. Franc
Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President
Board of Commissioners

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TOWNSHIP OF WILKINS

ORDINANCE NO. 905

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.

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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 in the McMaster Avenue Sanitary Sewer District ordained by Ordinance No. 904.

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 now or formerly owned by the following persons identified by block and lot, deed book volume, and page number, viz:

Owner	Deed Registry Block and Lot	Deed Book Volume and Page
Nicola Fiorentine and Josephone Fiorentine	455-S-288	2748, p. 624
Leo W. Smith and Marry Ellen Smith	455-B-292	3174, p. 420
Leo W. Smith and Marry Ellen Smith	455-B-300	3174, p. 420
Robert E. Kelly, Jr. and Homer E. Stotler	455-B-300	8989, p. 305
Alexander Baird and Mary Baird	455-B-302	4050, p. 553
Philomina Marie Cavicchia DeVay	455-B-304	7530, p. 570
Raymond W. Miller	455-B-306	4636, p. 2
John Voynick and Kathleen M. Voynick	455-B-308	4500, p. 748
Joseph J. Welsh	455-B-310	6528, p. 517
John Andrew Antolik and Yoshiko Antolik	454-P-104	4668, p. 572
Donald Povanda and Joan Povanda	454-P-100	4915, p. 465
Joseph J. Gigliotti and Andrea M. Gigliotti	454-P-94	7301, p. 279

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 Township Secretary, where same may be examined by any interested person.

SECTION 4. 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 29th day of September, 1997.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 906

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, PENNSYLVANIA, PROVIDING FOR THE REQUIREMENT OF A DYE TEST DESIGNED TO IDENTIFY VIOLATIONS OF TOWNSHIP ORDINANCES PRIOR TO THE ISSUANCE OF LIEN LETTERS BY THE TOWNSHIP; PROHIBITING RESIDENTIAL SALES WITHOUT COMPLIANCE THEREWITH; AND PROVIDING FOR THE PROMULGATION OF RULES AND REGULATIONS IN CONNECTION THEREWITH.

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WHEREAS, the Township of Wilkins is desirous of complying and ensuring compliance of all federal, state, county and local laws and regulations regarding the connections to its sewer system; and

WHEREAS, the Township of Wilkins is desirous of eliminating all improper infiltration and inflow of storm water into its sanitary sewerage lines; and

WHEREAS, the Township of Wilkins is aware that one likely source of a portion of infiltration and inflow is through the improper connection of residences such that storm water, surface water and/or subsurface water is directed into sanitary sewers through such devises as sewer vents located in driveways, and downspouts which empty into sanitary sewers;

NOW THEREFORE, be it Ordained and Enacted, and it is Ordained and Enacted, that:

SECTION I. General Provisions.

1. **Short Title.**

   This Ordinance may be known and cited the Wilkins Township Dye Test Ordinance.

2. **Definitions.**

   Terms used in this Ordinance shall have the meanings set forth as follows:

   TOWNSHIP LIEN LETTER - A written letter from the Township concerning municipal liens.

   DYE TEST - Any commonly accepted plumbing test wherein dye is introduced into the storm, surface or subsurface water collection system of real property to determine if storm, surface or subsurface water is entering the sanitary sewer system.

   EVIDENCE OF COMPLIANCE - An official statement from the Township stating that it has on file a written statement from a licensed plumber that there are no Illegal Storm, Surface or Subsurface Water Connections into the sanitary sewer system which would violate township or county ordinances, state or federal statutes, or Township, county, or state plumbing regulations.

   ILLEGAL STORM, SURFACE, OR SUBSURFACE WATER CONNECTIONS - The discharge or conduct of basement seepage or ground water or the connection of downspouts, roof drainage or surface or areaway drainage, or subsurface water into the sanitary sewer system.

   PERSON - Any person, partnership, association, syndicate, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties.

TEMPORARY EVIDENCE OF COMPLIANCE - A temporary statement from the Township issued pursuant to the terms of Section I, Paragraph 5 of this Ordinance.

3. Sale without evidence of compliance prohibited.

After the effective date of this Ordinance, it shall be unlawful for any Person to sell real property within the Township on which a building or improvement exists without first delivering to the purchaser Evidence of Compliance or Temporary Evidence of Compliance from the Township.

4. Procedure for Evidence of Compliance; fee.

Any Person proposing to sell real property located within the Township (hereinafter "Applicant") shall, no less than fourteen (14) days prior to the date set for final closing and settlement and closing of such proposed transfer, make application to the Township for Evidence of Compliance which application shall be stated on or in a form to be provided by the Township. Immediately after making such application, the Applicant shall deliver a true and correct copy of the application to a plumber who is registered and licensed by the Allegheny County Health Department and shall cause the plumber to perform a Dye Test upon the real property proposed to be sold. The plumber, after having completed the Dye Test, shall complete the appropriate portions of the application confirming that the property has been Dye Tested and certifying the results of such test. In the event that there are no Illegal Storm, Surface or Subsurface Water Connections existing upon the real property proposed to be sold, the Township Manager, or his or her designee, shall, upon payment of a fee which shall from time to time be established by Resolution of the Board of Commissioners of the Township, issue Evidence of Compliance. If the Dye Test reveals the existence of an Illegal Storm, Surface or Subsurface Water Connection no Evidence of Compliance shall be issued by the Township until such time as all Illegal Storm, Surface or Subsurface Water Connections are removed from the real property proposed to be sold and certification of the same is received by the Township from a plumber registered and licensed as aforesaid.

5. Temporary Evidence of Compliance; fee.

Temporary Evidence of Compliance may be issued at the Township's sole discretion when either:

5.1. The Applicant proves that Dye Testing cannot be performed because of weather conditions. In this case, the Applicant shall provide the Township with security in the amount as shall be established from time to time by Resolution of the Board of Commissioners of the Township, to guarantee that the Dye Test will be performed. The Applicant will cause the Dye Test to be performed within fourteen (14) days of written notification by the Township, which will be given at such time as weather conditions permit the administration of the Dye Test under reliable conditions. Further, at the time of submitting the application for Temporary Evidence of Compliance, the Applicant shall provide the Township with a signed, written acknowledgment from the proposed purchaser of the real property agreeing to correct, at the purchaser's sole expense, any Illegal Storm, Surface or Subsurface Water Connections discovered as a result of subsequent Dye Tests. Nothing in this Ordinance shall prohibit any purchaser from requiring the Applicant to reimburse the purchaser for any costs incurred; provided, however, that primary liability for correction of any illegal connection shall run with the land, and no agreement between the Applicant and the purchaser shall affect the Township's enforcement powers or effect a discharge of the duties or obligations of the Applicant or of the proposed purchaser as imposed pursuant to this Ordinance; or

5.2. When one or more Illegal Storm, Surface or Surface Water Connection or Connections is or are discovered and the remedial activities necessary to correct such connection or connections would require work extending over a length of time such as will result in a practical hardship for the Applicant, the Applicant may apply to the Township for Temporary Evidence of Compliance.

Temporary Evidence of Compliance may only be issued when, after having demonstrated the existence of the condition described herein, the Applicant additionally provides to the Township all of the following:

5.2.1. A bona fide executed contract between the Applicant and a registered licensed plumber to complete the necessary remedial work and granting the Borough the legal power to enforce the contract;

5.2.2. Cash Security in the amount of said contract, posted with the Township and

5.2.3. An agreement by the proposed purchaser of the real property to be responsible for all cost overruns related to the remedial work, together with a license to enter upon the property to complete the work in case of default by the contractor. The Township Manager shall determine by regulation when such Temporary Evidence of Compliance shall expire, and the Applicant and the purchaser shall be advised of the expiration date. Upon expiration of the Temporary Evidence of Compliance without the remedial work having been completed and the certification required in Section I paragraph 4 of this Ordinance having been received by the Township, the security shall be forfeited to the Township and the Township may use the security to have the necessary remedial work completed and may file a lien against the real property for any such shortage between the cost of the work performed, including reasonable legal fees incurred by the Township, and the amount of security posted.

6. **Township Lien Letters; fees.**

6.1. A request for a Township Lien Letter must be accompanied by a valid Evidence of Compliance and the appropriate fee, all of which shall be delivered at least seven (7) days prior to the day said letter(s) are to be issued by the Township.

6.2. When requested by a property owner or his agent and subject to the same time availability, as determined solely by the Township Manager, the Township may issue an expedited Township Lien Letter on two (2) days notice, upon payment of the expedited fee, in addition to the fee required for the issuance of the Township Lien Letter as set forth by Section I paragraph 6.1 of this Ordinance.

7. **Promulgation of rules and regulations.**

The Township shall promulgate such reasonable rules and regulations as approved by the Board of Commissioners for the operation and enforcement of this Ordinance. Such Rules and Regulations shall include, but not be limited to, provisions:

7.1. Establishing acceptable forms of security or guaranty;

7.2. Establishing the form of applications, purchaser acknowledgments and agreements and plumber certifications;

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7.3. Limiting the times of year in which Temporary Evidence of Compliance may be available for reasons of weather and

7.4. Establishing the length of time during which a Temporary Evidence of Compliance may remain valid.

Rules and regulations issued pursuant to this Section and paragraph shall be in writing and distributed as necessary to ensure compliance with this Ordinance.

8. Construction and interpretation of provisions.

Nothing in this Ordinance shall limit in any fashion whatsoever the Township's right to enforce its ordinances or the laws of the Commonwealth. Nothing in this Ordinance shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any law or ordinance.

9. Violations and penalties.

Any person violating any provisions of this Ordinance or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction, be subject to the maximum penalty provided by law.

SECTION II. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as they conflict with this Ordinance.

SECTION III. Effective Date.

This Ordinance shall be effective sixty days following its adoption by the Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania.

ORDAINED AND ENACTED this 27th day of October 1997, by the Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania.

TOWNSHIP OF WILKINS

By Peter G. Nychis

Peter G. Nychis
President, Board of Commissioners

ATTEST:

Mae S. Franc

Mae S. Franc, Secretary

ORDINANCE NO. 907

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT DURING THE FISCAL AND CALENDAR YEAR 1998

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

SECTION 1. That the expenditures and expenses for the fiscal year 1998 are hereby appropriated from the fund equities, revenues and other sources available for the year 1998 for the specific purposes as set forth hereunder:

	GENERAL FUND	HIGHWAY FUND	OTHER FUNDS	PROPRIETARY	FIDUCIARY
REVENUES:					
Cash	0.00	100.00	9,000.00	31,000.00	230,383.50
Taxes	2,299,000.00				
Licenses & Permits	60,100.00				
Fines & Forfeits	20,000.00				
Interest & Rents	147,500.00	3,650.00	650.00	1,000.00	6,000.00
Intergovernmental Revenue	338,016.57	116,816.57	15,000.00	360,000.00	
Charge Services	72,295.50				
Miscellaneous Revenue	476,250.00			1,000.00	
TOTAL:	3,413,162.07	120,566.57	24,650.00	393,000.00	236,383.50
EXPENDITURES:					
General Government	516,217.23				15,000.00
Public Safety	1,224,565.74				
Sanitation	220,412.00			203,000.00	150,000.00
Highways & Streets	996,917.85	120,466.57			
Recreation	22,995.00		24,500.00		
Debt Service	389,000.00			190,000.00	
Miscellaneous	11,300.00				
Other Financing	31,600.00				
Reserves	154.25	100.00	150.00		71,383.50
TOTAL APPROPRIATED	3,413,162.07	120,566.57	24,650.00	393,000.00	236,383.50

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed in so far as they conflict with this ordinance.

ORDAINED AND ENACTED this _____ day of December, 1997 at a duly assembled meeting of the Board of Commissioners.

ATTEST:

Mae S. Franc

Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

Peter G. Nychis

Peter G. Nychis, President
Board of Commissioners

MNB050

ORDINANCE NO. 908

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AS REQUIRED BY SECTION 1502(IV) OF THE FIRST CLASS TOWNSHIP CODE OF PENNSYLVANIA ESTABLISHING THE COMPENSATION OF THE MANAGER OF THE TOWNSHIP OF WILKINS

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

SECTION I: The annual compensation of the Township Manager shall be set at $46,929.36 per year effective January 1, 1998.

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

SECTION III: All ordinances or parts of ordinances conflicting with this Ordinance are hereby repealed in so far as they conflict herewith.

ORDAINED AND ADOPTED this 29th day of December 1997 at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins.

TOWNSHIP OF WILKINS

By Peter G. Nychis
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

MNB050

ORDINANCE NO. 909

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
FIXING THE REAL ESTATE TAX RATE
FOR THE YEAR 1998

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 1998 as follows:

TAX RATE FOR GENERAL PURPOSES

The sum of Twenty and one half (20-1/2) mills on each dollar of assessed valuation or the sum of two hundred and five (205) 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	20-1/2 Mills	205 Cents
TOTAL	20-1/2 Mills	205 Cents

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 29th day of December, 1997.

TOWNSHIP OF WILKINS

Peter G. Nychis

By_____
Peter G. Nychis
President,
Board of Commissioners

ATTEST:

Mae S. Franc

Mae S. Franc
Secretary