

## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. LARGE PORTABLE STORAGE CONTAINERS, SOLID WASTE AND RECYCLING**
- 91. PARKS AND RECREATION**
- 92. ANIMALS**
- 93. ALARMS**
- 94. NUISANCES**
- 95. OPEN BURNING**
- 96. STREETS, DRIVEWAYS AND CURBS**

**Patterson Heights Borough - General Regulations**

**CHAPTER 90: LARGE PORTABLE STORAGE CONTAINERS,  
SOLID WASTE AND RECYCLING**

Section

*Large Portable Storage Containers and Roll-Off Trash Containers*

- 90.001 Applicability
- 90.002 Definitions
- 90.003 Condition and maintenance
- 90.004 Placement and duration of use

*Garbage, Rubbish, Bulky Waste, Municipal Waste and Recyclables*

- 90.015 Definitions
- 90.016 Required for single-family and multi-family units
- 90.017 Non-profit establishments
- 90.018 Accumulation and disposition
- 90.019 Storage
- 90.020 Restriction on curbside storage
- 90.021 Burning restriction
- 90.022 County license required
- 90.023 Compliance with county rules and regulations
- 90.024 Duties
- 90.025 Landfills
- 90.026 Construction of subchapter

*Waste Flow*

- 90.040 Purpose
- 90.041 Definitions
- 90.042 Licensing of collectors and/or transporters
- 90.043 Disposal of municipal waste at designated municipal waste processing or disposal facility
- 90.044 Regulations
- 90.045 New municipal waste processing or disposal facilities prohibited; continuation of existing facilities
- 90.046 Unlawful activity; nuisance
- 90.047 Construction

## Patterson Heights Borough - General Regulations

### *Collection of Recyclable Materials*

- 90.060 Short title
- 90.061 Authority
- 90.062 Purpose and goals
- 90.063 Definitions
- 90.064 Establishment of program
- 90.065 Separation of recyclables and placement for disposal
- 90.066 Separation of recyclables by commercial, municipal and institutional establishments and at community activities
- 90.067 Separation of recyclables by multi-family housing properties and placement for disposal
- 90.068 Collection by unauthorized persons
- 90.069 Alternative collection or disposition of recyclable materials
- 90.070 Delivery of recyclable materials to landfills or incinerators
- 90.071 Franchise or license
  
- 90.999 Penalty

### ***LARGE PORTABLE STORAGE CONTAINERS AND ROLL-OFF TRASH CONTAINERS***

#### **' 90.001 APPLICABILITY.**

This subchapter shall apply to the location and duration of use of portable storage containers and roll-off trash containers on any property within the borough. It shall be the responsibility of the property owner or occupant, the supplying company and any third party agent or contractor hired by the property owner that uses said containers, to maintain the portable storage containers or roll-off trash containers in accordance with the provisions of this subchapter.

(Ord. 262, passed 1-16-2013; Ord. 278, passed - -2016)

#### **' 90.002 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PORTABLE STORAGE CONTAINER.*** Any self-supporting metal/wood/plastic container, usually metal or metal-framed, designed and used for the storage of personal or business property of a nonhazardous nature which is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.

## Large Portable Storage Containers, Solid Waste and Recycling

***ROLL-OFF TRASH CONTAINER.*** A large container designed and used for the temporary storage of refuse, rubbish, trash, garbage, junk, debris, offal or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.  
(Ord. 262, passed 1-16-2013)

### ' 90.003 CONDITION AND MAINTENANCE.

(A) All portable storage containers and roll-off trash containers shall be delivered and maintained in good condition, free from rodents, insects, graffiti, vulgar and/or pornographic words or pictures.

(B) It shall be the responsibility of the property owner or occupant, the supplying company and any third party agent or contractor hired by the property owner that uses said containers, to maintain the portable storage containers or roll-off trash containers in accordance with the provisions of this section.  
(Ord. 262, passed 1-16-2013; Ord. 278, passed - -2016) Penalty, see ' 90.999

### ' 90.004 PLACEMENT AND DURATION OF USE.

(A) *Temporary.* On all property zoned or used for residential, or commercial purposes, storage containers or roll-off trash containers may remain in use only so long as a valid building or trade permit is in place for the property on which the container is placed. No separate permit is required so long as the use is indicated on the approved site plan or building permit for the project. When no building permit is in effect, a roll-off container may not be placed on a lot for more than 30 days unless authorized in writing by the Borough Secretary or his or her designee. In residentially zoned areas, the container must be placed on the driveway or other privately owned space, and may not extend into the public right-of-way. Should existing site conditions not allow for the placement of a portable storage container in full compliance with these provisions, exceptions may be considered and written approval granted on a case by case basis by the Borough Secretary or his or her designee.

(B) *Residential.* In areas which are residentially zoned, when no building or trade permit is in effect for the property, a portable storage container may be placed on the driveway or other approved pavement for a period not to exceed 14 days, provided that the container is not located within any public right-of-way and does not block any public sidewalk. The Borough Secretary, or his or her designee, may grant one 14-day extension, for good cause, when requested in writing. A container may not be placed on the same property more than three non-consecutive times in a one-year period. Failure to remove a container after the initial 14-day period, unless extended, may result in charges filed by the borough for failure to comply with this section. Such containers may not be permanently located in areas that are residentially zoned.

(Ord. 262, passed 1-16-2013) Penalty, see ' 90.999

## Patterson Heights Borough - General Regulations

### ***GARBAGE, RUBBISH, BULKY WASTE, MUNICIPAL WASTE AND RECYCLABLES***

#### **' 90.015 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACT 101.*** The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, being 53 P.S. " 4000.101 et seq., as now or hereafter amended.

***ALUMINUM CANS.*** Empty all-aluminum beverage and food containers.

***BACKYARD/AT DOOR SERVICE.*** A method of collecting garbage, refuse and properly prepared recyclables. The above items maybe stored not more than 150 feet from the curb, or where there is no curb, this definition refers to the edge of the traveled roadway. Items defined as bulky waste shall not qualify for ***BACKYARD/AT DOOR SERVICE*** and shall be placed at the curbside for collection.

***BAGS.*** Plastic or paper sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a ***BAG*** and its contents shall not exceed 35 pounds.

***BEAVER COUNTY MUNICIPAL SOLID WASTE MANAGEMENT PLAN.*** The official, final plan adopted by the Board of Beaver County Commissioners in 1991.

***BIMETALLIC CANS.*** Food and beverage containers consisting of ferrous sides and bottom and an aluminum top.

***BOROUGH.*** The Borough of Patterson Heights, a municipal corporation in the County of Beaver, Commonwealth of Pennsylvania.

***BULKY WASTE.*** Large household appliances such as stoves, television sets, washing machines, furniture, furnishings and plumbing fixtures. It shall not mean construction debris, dead animals, hazardous waste or unstable matter with weights and volumes greater than those allowed for containers. The bulky items which have been identified by the contractor and agreed to by the borough to not be collected and disposed of by the contractor shall not be considered ***BULKY WASTE***. The term, however, shall not include refrigerators, air conditioners or any other item containing freon gas or other cooling material unless the gas has been properly removed therefrom in accordance with applicable federal law.

***CATALOGS.*** A publication listing various items for sale by a commercial establishment. ***CATALOGS*** shall be recycled in the same manner as newspapers and magazines.

## Large Portable Storage Containers, Solid Waste and Recycling

**CO-MINGLED COLLECTION.** A method of recycling in which designated recyclable materials are placed at the curbside in one container. The recyclable materials are mixed together in random fashion. **CO-MINGLED COLLECTION** excludes newspaper and magazines if these items are designated to be recycled.

**COMMERCIAL ESTABLISHMENTS.** Those properties used primarily for commercial or industrial purposes.

**CONDOMINIUM.** An apartment building or housing area in which the living units are owned individually. For purposes of this chapter, it shall be treated as a multi-family unit.

**CONSTRUCTION WASTE.** Lumber, roofing material, sheathing, rubble, broken concrete, plaster and brick, conduit, pipe, wire, insulation and similar material which results from a construction, demolition or remodeling process.

**CONTAINERS, RECYCLING.** The official recycling receptacle distributed by the borough or any other receptacle approved by the borough for recycling purposes.

**CONTRACT DOCUMENTS.** The request for proposals, instructions to bidders, contractor=s proposal, general specifications and any addenda or changes to the foregoing documents agreed to by the borough and the contractor.

**CONTRACTOR.** The person, persons, firm or corporation determined to be the low responsible bidder to whom a contract to collect, haul, and dispose of garbage, rubbish, bulky waste and recyclable materials for residential units in the borough has been awarded by the Borough Council.

**CORRUGATED PAPER.** That material consisting of two or more pieces of kraft liner separated by corrugated (fluted) liner board. Excluded are materials without a corrugated interlinear and those materials with a corrugated liner made from rice or other non-wood based materials.

**COUNTY.** The County of Beaver and its regulatory agencies.

**CURBSIDE COLLECTION.** Items placed at the curb or at a point not more than five feet from the back of the curb which would be unobstructed and clearly visible to the contractor. With the exception of handicapped provisions, items more than five feet back from the curb are not included in the contract nor are items within the five-foot area that are hidden or otherwise obstructed from view of the contractor. In areas where there is no curb, this definition refers to the edge of the traveled, either public or private, roadway so long as its placement of items does not impede vehicular or pedestrian traffic or create hazards to vehicles or persons traveling in this area.

**DEAD ANIMALS.** Animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use or consumption.

**DISPOSAL.** The deposition, injection, dumping, spilling, leading or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the

## Patterson Heights Borough - General Regulations

environment, is emitted into the air or is discharged to the water of the commonwealth.

**DISPOSAL SITE.** The landfill or landfills which the contractor uses to dispose of municipal waste under the terms of this contract.

**FERROUS CANS.** Empty steel or tin food or beverage containers.

**GARBAGE.** All refuse and animal and vegetable matter which was used for human consumption, every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter which is likely to attract flies or rodents. It shall also include excess fruits from trees on residential property but not from trees on farms and/or orchards. Excluding items designated for recycling, the term **GARBAGE** shall also mean dead animals and mixed and waste fragments resulting from the use and occupancy of the premises, including, but not limited to, rags, paper and packaging material, glass, crockery, bottles, tin cans, leather, rubber, plastics, newspaper and other general small household refuse. It shall not include leaf waste, bulky waste, construction waste.

**GLASS CONTAINERS.** Bottles and jars made of clear, green and brown glass. For recycling purposes, it expressly excludes non-container glass, plate glass, blue glass and porcelain or ceramic products.

**HAZARDOUS WASTE.** Waste which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or the State Department of Environmental Protection by or pursuant to federal or state law. For purposes of this chapter, the term **HAZARDOUS WASTE** shall also include motor oil and lead acid vehicle batteries.

**INDUSTRIAL AND COMMERCIAL WASTE.** Any materials or substance which is a waste by-product of the industrial or commercial process and shall include packaging materials and equipment used in the delivery or shipment of goods to or from the industrial or commercial site.

**NON-PROFIT ESTABLISHMENT.** The Beaver Valley Country Club.

**LANDFILL.** A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads and transportation and storage facilities. The term does not include construction/demolition waste landfills or a facility for the land application of sewage sludge.

**LEAF WASTE.** Leaves, garden residues and similar material, but not including grass clippings.

**MAGAZINES.** Periodical publications containing sketches, stories, essays and pictures. For purposes of recycling, junk mail, phone books, paper and hard back books are expressly excluded.



## Large Portable Storage Containers, Solid Waste and Recycling

**MULTI-FAMILY UNITS.** Any duplex or townhouse as defined in ' 90.063.

**MUNICIPAL WASTE.** Any bulky waste, garbage, refuse, rubbish, industrial or lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act, being 35 P.S. " 6018.101 et seq. from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials or hazardous waste.

**MUNICIPAL WASTE LANDFILL.** Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department under the Solid Waste Management Act, being 35 P.S. " 6018.101 et seq. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

**MUNICIPALITY.** The Borough of Patterson Heights.

**NEWSPAPERS.** Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. For recycling purposes, this expressly excludes **NEWSPAPERS** which have been soiled or are wet.

**PERMIT.** Permit number issued by the Department for the operation of the landfill by operator.

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

**PLASTIC CONTAINERS.** Post-consumer plastics such as polyethylene terephthalate, high density polyethylene and polypropylene. Due to the large variety of type of plastics, the borough regulations shall stipulate the specific condition and type of plastic which may be recycled.

**RECYCLABLE MATERIALS/RECYCLABLES.** Those materials specified by the municipality to be recycled. The list of materials and frequency of collection shall be in accordance with the borough regulations authorized with " 90.060 through 90.071 and may be revised from time to time as deemed necessary by the borough and the contractor.

**RECYCLING.** The separation, collection, processing, recovery and resale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed of as solid waste.

**RESIDENTIAL UNIT.** Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

## **Patterson Heights Borough - General Regulations**

***RUBBISH.*** Rags, broken glass, crockery, containers for nonedible products used in the home, paper, grass cuttings, hedge cuttings, incinerator ashes, refuse from paper burners and household refuse generally, ashes from household heating plants, incinerators and coal stoves, but excluding bulky waste, hazardous waste, construction debris.

***SINGLE-FAMILY UNIT.*** A residence or dwelling unit as defined in Chapter 154 of this code of ordinances, as amended.

***SOLID WASTE MANAGEMENT ACT.*** Act 97 of 1980, 35 P.S. " 6018.101 et seq., and the Department regulations promulgated thereunder.

***TRANSPORTATION.*** The off-site removal of any municipal waste at any time after generation.  
(Ord. 224, passed 8-7-2000)

### **' 90.016 REQUIRED FOR SINGLE-FAMILY AND MULTI-FAMILY UNITS.**

All single-family units and multi-family units shall participate in and abide by the garbage, rubbish, bulky waste, municipal waste and recyclable collection program as contracted and implemented by the borough and all regulations and contract specifications issued pursuant thereto.  
(Ord. 224, passed 8-7-2000)

### **' 90.017 NON-PROFIT ESTABLISHMENTS.**

Non-profit establishments shall not be required to participate in the garbage, rubbish, bulky waste, municipal waste and recyclable collection program as contracted and implemented by the borough. However, such non-profit establishment shall be responsible for the weekly collection, storage, transportation and disposal of all municipal waste, industrial and commercial waste and hazardous waste and recyclables in accordance with the provisions of this subchapter and " 90.060 through 90.071 providing for collection of recyclable materials.  
(Ord. 224, passed 8-7-2000)

### **' 90.018 ACCUMULATION AND DISPOSITION.**

All municipal waste and recyclables within the borough shall be accumulated on the property and the person occupying said property shall be responsible jointly and severally with the owner of said property for the storage, removal, collection and disposition of said municipal waste or recyclables on at least a weekly basis to a permitted municipal waste landfill or authorized recycling center via the borough collection program to a permitted landfill or to an authorized recycling center.  
(Ord. 224, passed 8-7-2000)

## **Large Portable Storage Containers, Solid Waste and Recycling**

### **' 90.019 STORAGE.**

All municipal waste shall be stored on the property in a device, container or vessel suitable for the storage of said waste so as not to attract animals or vermin to the same and so as not to constitute a public nuisance, such as littering or composting, resulting in the attraction of vermin and insects to or about the area. For the purposes of this subchapter, commercial dumpster collection systems, metal or plastic waste cans and trash bags are suitable containers or vessels for the collection and storage of municipal waste upon any premises within the borough awaiting the minimum weekly collection and transportation thereof to a permitted landfill.

(Ord. 224, passed 8-7-2000)

### **' 90.020 RESTRICTION ON CURBSIDE STORAGE.**

No municipal waste may be placed on the sidewalk, curb or along a public street or alley right-of-way for collection earlier than 12:00 noon on the day before collection day. Trash, refuse and recyclable containers must be removed from the sidewalk, curb or along public street or right-of-way no later than 12:00 midnight on the day of collection.

(Ord. 224, passed 8-7-2000; Ord. 258, passed - -2012) Penalty, see ' 90.999

### **' 90.021 BURNING RESTRICTION.**

No municipal waste or recyclables/recyclable materials shall be burned or otherwise intentionally incinerated within the borough except as permitted by Chapter 95 of this code of ordinances regulating burning.

(Ord. 224, passed 8-7-2000) Penalty, see ' 90.999

### **' 90.022 COUNTY LICENSE REQUIRED.**

All persons in the business of collecting, hauling and/or transporting municipal waste within the borough shall be required to obtain a county license pursuant to County Ord. 082092.

(Ord. 224, passed 8-7-2000)

### **' 90.023 COMPLIANCE WITH COUNTY RULES AND REGULATIONS.**

(A) All municipal waste collectors and transporters shall collect and dispose of:

(1) All municipal waste generated within the borough at a landfill authorized and permitted by the county pursuant to County Ord. 082092; and

(2) All recyclables/recyclable materials to an authorized recycling center.

## Patterson Heights Borough - General Regulations

(B) All collectors and transporters shall comply with all county rules and regulations adopted by the county and the borough pursuant to Act 101, being 53 P.S. " 4000.101 et seq., County Ord. 082092, or this subchapter or " 90.040 through 90.047 and 90.060 through 90.071.  
(Ord. 224, passed 8-7-2000)

### ' 90.024 DUTIES.

It shall be unlawful for any person to:

(A) Violate, cause or assist in the violation of any provision of this subchapter, County Ord. 082092 or any rule, regulation or order promulgated by the county pursuant to County Ord. 082092-SWM;

(B) Cause to be processed, treated or disposed of municipal waste generated within the borough at a landfill other than the landfills permitted pursuant to ' 90.023;

(C) Collect or transport or dispose of municipal waste generated within the borough without a valid county license;

(D) Hinder, obstruct, prevent or interfere with the borough in the performance of its duties under this subchapter, " 90.040 through 90.047 and 90.060 through 90.071, Act 101, being 53 P.S. " 4000.101 et seq. or any enforcement of this subchapter;

(E) Act in any manner that is contrary to Act 101, being 53 P.S. " 4000.101 et seq., the county=s municipal waste management plan, County Ord. 082092-SWM, this subchapter, Ordinances Nos. 212 and 204, or any county or borough rule or regulation promulgated pursuant to this subchapter, " 90.040 through 90.047 and 90.060 through 90.071 or County Ord. 082092-SWM, or the terms of any licenses and permits issued by the county;

(F) Act in any fashion so as to interfere with or hinder the collection and transportation of municipal waste to a permitted landfill; or recyclables to a recycling center;

(G) Act in any fashion so as to cause or allow stored municipal waste or recyclables awaiting collection to attract rodents or disease carrying insects, wild animals or domestic animals;

(H) Improperly store and/or contain municipal waste or recyclables so as to litter or allow municipal waste or recyclables to attract rodents, animals or insects pending collection and transportation to a landfill or recycling center;

(I) Burn, incinerate or bury any type of municipal waste or recyclables other than in or at a licensed incineration site or landfill or recycling center except as provided in Chapter 95 of this code of ordinances;

(J) Improperly dispose of any hazardous waste either directly or via the borough collection program; and

## **Large Portable Storage Containers, Solid Waste and Recycling**

(K) Any of the above shall also constitute a public nuisance and therefore subject to any civil remedy, private or public, for maintaining a public nuisance.

(Ord. 224, passed 8-7-2000) Penalty, see ' 90.999

### **' 90.025 LANDFILLS.**

The borough is hereby authorized to enter into a reservation of landfill capacity agreements with landfill operators licensed by the county pursuant to the county program and Act 101, being 53 P.S. " 4000.101 et seq. and is hereby authorized to enter into contracts and award franchise agreements for the collection and disposal of municipal waste.

(Ord. 224, passed 8-7-2000)

### **' 90.026 CONSTRUCTION OF SUBCHAPTER.**

The terms and provisions of this subchapter are to be liberally construed, so as to best achieve and effectuate the goals and purpose hereof. This subchapter shall be construed in para materia with the County Ord. 082092-SWM, Act 101, being 53 P.S. " 4000.101 et seq. and " 90.040 through 90.047 and 90.060 through 90.071.

(Ord. 224, passed 8-7-2000)

## ***WASTE FLOW***

### **' 90.040 PURPOSE.**

The borough, a municipality of Beaver County, and the county have determined that the appropriate legal mechanism for achieving the objectives of " 102 and 303(a) and (e) of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28,1988, P.L. No. 528 (hereinafter referred to as Act 101), being 53 P.S. " 4000.101 et seq., and for ensuring the delivery of the borough generated municipal waste is the enactment of a municipal waste flow control ordinance that provides for the disposition of municipal solid waste at selected disposal facilities which are listed in the county solid waste management plan.

(Ord. 212, passed 6-6-1994)

### **' 90.041 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

## **Patterson Heights Borough - General Regulations**

**ACT 101.** The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, being 53 P.S. " 4000.101 et seq., as now or hereafter amended.

**COUNTY.** The County of Beaver.

**DEPARTMENT.** The Pennsylvania Department of Environmental Protection (DEP).

**DISPOSAL.** The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the commonwealth.

**LANDFILL.** A facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads and transportation and storage facilities. The term does not include construction/demolition waste landfills or a facility for the land application of sewage sludge.

**MUNICIPAL WASTE.** Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act, being 35 P.S. " 6018.101 et seq. from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

**MUNICIPAL WASTE LANDFILL.** Any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department under the Solid Waste Management Act, being 35 P.S. " 6018.101 et seq. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

**MUNICIPALITY.** The Borough of Patterson Heights.

**PERMIT.** Permit number issued by the Department for the operation of the landfill by operator.

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

**RECYCLING.** The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

## **Large Portable Storage Containers, Solid Waste and Recycling**

***SOLID WASTE MANAGEMENT ACT.*** Act 97 of 1980, 35 P.S. " 6018.101 et seq., and the Department regulations promulgated thereunder.  
(Ord. 212, passed 6-6-1994)

### **' 90.042 LICENSING OF COLLECTORS AND/OR TRANSPORTERS.**

Not later than 120 days after the effective date of County Ord. 082092-SWM, all persons collecting and/or transporting waste with the municipality shall be required to obtain a county license pursuant to County Ord. 082092-SWM.  
(Ord. 212, passed 6-6-1994) Penalty, see ' 90.999

### **' 90.043 DISPOSAL OF MUNICIPAL WASTE AT DESIGNATED MUNICIPAL WASTE PROCESSING OR DISPOSAL FACILITY.**

All municipal waste collectors and transporters shall deliver and dispose of all municipal waste generated within the borough, other than recyclable materials as designated in any borough recycling ordinance, at facilities designated by the borough through a waste disposal agreement or at disposal facilities as listed in the county solid waste management plan.  
(Ord. 212, passed 6-6-1994)

### **' 90.044 REGULATIONS.**

All collectors and transporters shall comply with all county rules and regulations adopted by the county and this municipality pursuant to Act 101, being 53 P.S. " 4000.101 et seq., County Ord. 080292-SWM, or this subchapter.  
(Ord. 212, passed 6-6-1994)

### **' 90.045 NEW MUNICIPAL WASTE PROCESSING OR DISPOSAL FACILITIES PROHIBITED; CONTINUATION OF EXISTING FACILITIES.**

(A) *Prohibition of municipal waste processing and disposal facilities.* No person shall use or permit to be used any property owned or occupied by that person within the borough as a new municipal waste processing or disposal facility, for the processing or disposal of waste, without the express written approval of the borough, the county and the Department of Environmental Protection.

(B) *Existing facilities.* The prohibition set forth in division (A) above shall not interfere with the operation of any existing facility provided:

(1) The owner/operator of the facility has an approved DEP permit or has submitted a permit application to DEP prior to April 9, 1990; and

## Patterson Heights Borough - General Regulations

(2) The facility does not accept municipal waste from any sources within the county other than those authorized by the facility's permit.

(C) *Recycling*. The prohibition set forth in division (A) above shall not interfere with the operation of any program adopted by the borough for recycling.  
(Ord. 212, passed 6-6-1994) Penalty, see ' 90.999

### ' 90.046 UNLAWFUL ACTIVITY; NUISANCE.

(A) *Unlawful conduct*. It shall be unlawful for any person to:

(1) Violate, cause or assist in the violation of any provision of this subchapter, County Ord. 082092-SWM or any rule, regulation or other promulgated by the county pursuant to County Ord. 082092-SWM;

(2) Cause to be processed, treated or disposed of municipal waste generated within this municipality at a facility other than facilities designated in a waste disposal agreement signed by the municipality or as listed in the county solid waste management plan;

(3) Collect or transport municipal waste generated within this municipality without a valid county license;

(4) Hinder, obstruct, prevent or interfere with this municipality in the performance of its duties under this subchapter, Act 101, being 53 P.S. " 4000.101 et seq. or any enforcement of this subchapter; or

(5) Act in any matter that is contrary to Act 101, being 53 P.S. " 4000.101 et seq., the county's municipal waste management plan, County Ord. 082092-SWM, this subchapter or any county or municipality rule or regulation promulgated pursuant to this subchapter or County Ord. 082092-SWM, or the terms of any licenses issued by the county.

(B) *Public nuisance*. Any unlawful conduct set forth in division (A) above shall constitute a public nuisance.  
(Ord. 212, passed 6-6-1994) Penalty, see ' 90.999

### ' 90.047 CONSTRUCTION.

(A) The terms and provisions of this subchapter are to be liberally construed, so as to best achieve and effectuate the goals and purpose hereof.

(B) This subchapter shall be construed in para materia with the County Ord. 082092-SWM and Act 101, being 53 P.S. " 4000.101 et seq.



## **Large Portable Storage Containers, Solid Waste and Recycling**

(Ord. 212, passed 6-6-1994)

### ***COLLECTION OF RECYCLABLE MATERIALS***

#### **' 90.060 SHORT TITLE.**

This subchapter shall be known and may be cited as the APatterson Heights Borough Recycling Ordinance@.

(Ord. 204, passed 11-4-1991)

#### **' 90.061 AUTHORITY.**

This subchapter is enacted pursuant to the Solid Waste Management Act, P.L. 380, No. 97, July 7, 1980, being 35 P.S. " 6018.101 et seq. and the Municipal Waste Planning, Recycling and Waste Reduction Act, No. 101, July 28, 1988, being 53 P.S. " 4000.101 et seq.

(Ord. 204, passed 11-4-1991)

#### **' 90.062 PURPOSE AND GOALS.**

It is the purpose of this subchapter to:

(A) Require waste reduction and recycling as a means of managing municipal waste, conserving resources and supplying energy;

(B) Protect the public health, safety and welfare from the short and long term dangers of collection, transportation, processing and storage of municipal waste;

(C) Utilize, wherever feasible, the capabilities of private enterprise in accomplishing the desired objectives of an effective, comprehensive solid waste management program;

(D) Establish and implement within the borough a recycling program to return valuable materials to productive use, to conserve energy and to protect capacity at municipal waste processing or disposal facilities;

(E) Recycle at least 25% of all municipal waste and source-separated recyclable materials generated in this borough on and after January 1, 1997;

(F) The weight or volume of municipal waste generated per capita in this borough on January 1, 1997 should, to the greatest extent practicable, be less than the weight or volume of municipal waste generated per capita on the effective date of this subchapter;

## Patterson Heights Borough - General Regulations

(G) Each person living or working in the borough shall be taught the economic, environmental and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities; and

(H) The borough shall, to the greatest extent practicable, procure and use products and materials with recycled content, and procure and use materials that are recyclable.  
(Ord. 204, passed 11-4-1991)

### ' 90.063 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALUMINUM CANS.*** Empty all-aluminum beverage and food containers.

***BI-METAL CONTAINERS.*** Empty food or beverage containers consisting of steel and aluminum, and all depressurized aerosol cans.

***COMMERCIAL ESTABLISHMENT.*** Those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings containing more than four dwelling units.

***COMMUNITY ACTIVITIES.*** Church, social, school, civic, service group, municipal functions and all other such functions.

***CORRUGATED PAPER.*** Structural paper material with an inner core shaped in rigid parallel furrows and ridges.

***FERROUS CONTAINERS.*** An empty steel or tin-coated steel container.

***GLASS CONTAINERS.*** Bottles and jars made of clear, green or brown glass. Excluded are plateglass, mirrors, automotive glass, blue glass and porcelain and ceramic products, Pyrex, drinking glasses, crystal and light bulbs.

***HIGH-GRADE OFFICE PAPER.*** All white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

***INSTITUTIONAL ESTABLISHMENT.*** Those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

***LEAD ACID BATTERIES.*** Includes, but not limited to, automotive, truck and industrial batteries that contain lead.

***LEAF WASTE.*** Leaves from trees, bushes and other plants, garden residue, chipped shrubbery and tree trimmings, but not including grass clippings.

## **Large Portable Storage Containers, Solid Waste and Recycling**

**MAGAZINES AND PERIODICALS.** Printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

**MULTI-FAMILY HOUSING PROPERTIES.** Any properties having four or more dwelling units per structure.

**MUNICIPALITY.** Patterson Heights Borough, Beaver County, Pennsylvania.

**NEWSPAPERS.** Paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts often included with newspapers.

**PERSON(S).** Owners, lessees and occupants of residences, commercial or institutional establishments.

**PLASTIC CONTAINER.** Empty plastic containers.

**RECYCLABLE MATERIALS.** Those materials separated at the point of origin for the purpose of being recycled, including those materials listed in Act 101, being 53 P.S. " 4000.101 et seq. and by the municipality to be recycled.

**RESIDENTIAL DWELLINGS.** Any occupied single- or multi-family dwelling having up to four units per structure.

**WASTE.** A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable materials or material approved by the State Department of Environmental Protection beneficial use. (Ord. 204, passed 11-4-1991)

### **' 90.064 ESTABLISHMENT OF PROGRAM.**

(A) There is hereby established a program for the mandatory separation of recyclable materials from solid waste by persons residing in single dwellings or multi-family dwelling having up to four dwelling units per structure and by private clubs, specifically including Beaver Valley Country Club.

(B) In carrying out its duties under this section, the Borough Council may adopt by resolution, procedures, regulations and standards for the recycling, transportation, storage and collection of municipal wastes and source-separated recyclable materials which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, being 35 P.S. " 6018.101 et seq., the Municipal Waste Planning, Recycling and Waste Reduction Act, being 53 P.S. " 4000.101 et seq. and the regulations promulgated pursuant thereto. (Ord. 204, passed 11-4-1991)

## **Patterson Heights Borough - General Regulations**

### **' 90.065 SEPARATION OF RECYCLABLES AND PLACEMENT FOR DISPOSAL.**

(A) Recyclable materials from residential dwellings shall be placed at the curb separate from other solid waste for collection at such times, dates and places as may be established by regulations of Borough Council.

(B) Recyclable materials from private clubs shall be separated from other solid waste for collection at such times, dates and places as may be established by regulations of Borough Council.

(C) Materials to be recycled are glass containers, plastic containers, bi-metallic containers, aluminum products used for food or beverage purposes, high grade office paper, newsprint, magazines or periodicals, and corrugated paper. Additional recyclable materials to be separated for collection or to be eliminated from collection shall be determined by resolution and regulation of Borough Council.

(Ord. 204, passed 11-4-1991) Penalty, see ' 90.999

### **' 90.066 SEPARATION OF RECYCLABLES BY COMMERCIAL, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS AND AT COMMUNITY ACTIVITIES.**

(A) Commercial, municipal and institutional establishments shall separate and store, until collection, high grade office paper, corrugated paper and aluminum and (other materials designated by the borough). These establishments must arrange for the transfer of the materials to a recycling system. The establishments shall annually provide to the borough evidence of such arrangement and documentation of the total number of tons recycled.

(B) Recyclable materials designated by the borough must be separated until collection at community activities.

(Ord. 204, passed 11-4-1991)

### **' 90.067 SEPARATION OF RECYCLABLES BY MULTI-FAMILY HOUSING PROPERTIES AND PLACEMENT FOR DISPOSAL.**

(A) The owner, landlord or an agent of an owner or landlord of multi-family housing properties of four or more units shall establish a collection system for recyclables at each property. Materials to be separated are as designated in ' 90.063.

(B) The collection system must contain suitable containers for collecting and sorting materials, easily accessible locations for the containers and written instruction to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords shall not be liable for noncompliance of the occupants of their building.

(Ord. 204, passed 11-4-1991)

## **Large Portable Storage Containers, Solid Waste and Recycling**

### **' 90.068 COLLECTION BY UNAUTHORIZED PERSONS.**

It shall be a violation of this subchapter for any person(s), not authorized by resolution of the borough, to collect or pick up or cause to be collected or picked up any such recyclable material. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 204, passed 11-4-1991) Penalty, see ' 90.999

### **' 90.069 ALTERNATIVE COLLECTION OR DISPOSITION OF RECYCLABLE MATERIALS.**

Any person may donate or sell recyclable materials to individuals or organizations. These materials must be delivered to the individual=s or organization=s site.

(Ord. 204, passed 11-4-1991)

### **' 90.070 DELIVERY OF RECYCLABLE MATERIALS TO LANDFILLS OR INCINERATORS.**

It shall be a violation of this subchapter for the authorized collector of recyclable materials to deliver such materials to a landfill or incinerator for the purpose of disposal unless the markets for such materials no longer exists. The authorized collector will provide to the borough the weight receipts of the recyclable materials.

(Ord. 204, passed 11-4-1991) Penalty, see ' 90.999

### **' 90.071 FRANCHISE OR LICENSE.**

The borough may enter into agreement(s) with public or private agencies or firms to authorize them to collect all or part of the recyclable material from curbside or from drop-off collection points.

(Ord. 204, passed 11-4-1991)

### **' 90.999 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) Violation of " 90.001 through 90.004 shall be punishable by fine not to exceed \$100 per day.

### Patterson Heights Borough - General Regulations

(C) (1) Any person, partnership, firm, association or corporation who violators the provisions of " 90.015 through 90.026 shall be subject to summary offense criminal prosecution proceedings in accordance with Act No. 172 of 1996 and the Pennsylvania Rules of Criminal Procedure for summary offenses, and if guilty shall pay the following fines for the enumerated offense:

<i>Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd and Subsequent Offenses</i>
' 90.024(A)	\$50	\$600	\$1,000
' 90.024(B)	\$50	\$600	\$1,000
' 90.024(C)	\$1,000	\$1,000	\$1,000
' 90.024(D)	\$1,000	\$1,000	\$1,000
' 90.024(E)	\$1,000	\$1,000	\$1,000
' 90.024(F)	\$1,000	\$1,000	\$1,000
' 90.024(G)	\$50	\$600	\$1,000
' 90.024(H)	\$50	\$600	\$1,000
' 90.024(I)	\$50	\$600	\$1,000
' 90.024(J)	\$1,000	\$1,000	\$1,000

(2) (a) In addition to any other remedy provided in " 90.015 through 90.026, the borough may institute a suit in equity if unlawful conduct or a public nuisance exists as defined in " 90.015 through 90.026 for an injunction to restrain a violation of " 90.015 through 90.026, or rules, regulations orders issued pursuant to " 90.015 through 90.026 or County Ord. 102716-ORD.

(b) Upon the failure of any person to pay for the charges imposed for the collection and disposal of garbage, rubbish, bulky waste and recyclables, the person shall be given 30 days= written notice to pay the bill and amount due. The borough shall be authorized to file a municipal lien claim for said unpaid service and amount due.

(c) The penalties and remedies prescribed herein shall be deemed concurrent, the existence or exercise of any remedy shall not prevent the borough from exercising any other remedy provided by " 90.015 through 90.026 or otherwise provided at law or equity.

(D) Violation of ' 90.020 shall be punishable by fine not to exceed \$100.

(E) (1) Any action by any person, firm, corporation or other entity which violates " 90.040 through 90.047 or any regulations hereof shall be punishable by a fine not to exceed \$50 upon a first conviction; \$300 upon second conviction; and \$1,000 on third or subsequent conviction.

## Large Portable Storage Containers, Solid Waste and Recycling

(2) Injunction; concurrent remedies:

(a) *Restraining violations.* In addition to any other remedy provided in " 90.040 through 90.047, the borough may institute a suit in equity if unlawful conduct or a public nuisance exists as defined in " 90.040 through 90.047 for an injunction to restrain a violation of " 90.040 through 90.047, or rules, regulations, orders issued pursuant to " 90.040 through 90.047 or County Ord. 102716-ORD in addition to an injunction, the court may impose penalties as authorized by division (D)(1) above.

(b) *Concurrent remedies.* The penalties and remedies prescribed by " 90.040 through 90.047 shall be deemed concurrent, the existence or exercise of any remedy shall not prevent the borough from exercising any other remedy provided by " 90.040 through 90.047 or otherwise provided at law or equity.

(F) Any action by any person, firm, corporation or other entity which violates " 90.060 through 90.071 or any regulations thereof shall be punishable by a fine not to exceed \$10 upon a first violation; \$25 upon second violation; and \$50 on third or subsequent violation. (Ord. 204, passed 11-4-1991; Ord. 212, passed 6-6-1994; Ord. 224, passed 8-7-2000; Ord. 258, passed - -2012; Ord. 262, passed 1-16-2013)

**Patterson Heights Borough - General Regulations**



## CHAPTER 91: PARKS AND RECREATION

### Section

#### *Rules and Regulations*

- 91.01 Title
- 91.02 Definitions
- 91.03 Hours of operation
- 91.04 Alcoholic beverages
- 91.05 Controlled substances
- 91.06 Smoking
- 91.07 Pets
- 91.08 Vehicles
- 91.09 Basketball court
- 91.10 Trash
- 91.11 Offenses against property

#### *Park Control*

- 91.25 Title
- 91.26 Definitions
- 91.27 Unlawful conduct
- 91.28 Duties of police
  
- 91.99 Penalty

### ***RULES AND REGULATIONS***

#### **' 91.01 TITLE.**

This subchapter shall be known as the APatterson Heights Borough Parks and Recreation Ordinance@.  
(Ord. 274, passed - -2015)

## Patterson Heights Borough - General Regulations

### ' 91.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOROUGH.** The Borough of Patterson Heights, County of Beaver, Commonwealth of Pennsylvania.

**COUNCIL.** Council for the Borough of Patterson Heights, County of Beaver, Commonwealth of Pennsylvania.

**MAYOR.** The Mayor of the Borough of Patterson Heights, County of Beaver, Commonwealth of Pennsylvania.

**RECREATION FACILITIES.** Real property owned by the borough and made available to residents of the borough for outdoor recreational purposes. The **RECREATION FACILITIES** consist of the following.

(1) **BASKETBALL COURT.** The area adjacent to the borough office improved with an impervious surface and two basketball hoops.

(2) **PUBLIC PARK.** The tract of land located next to the borough building owned by the borough improved with and containing a pavilion, park benches and playground equipment.  
(Ord. 274, passed - -2015)

### ' 91.03 HOURS OF OPERATION.

(A) The recreation facilities shall be open to the public for all lawful purposes from sunrise until sunset. Anyone under the age of 18 shall be accompanied by an adult after 6:00 p.m.

(B) Anyone in a recreation facility after sunset and before sunrise without written permission from Borough Council shall be deemed to be a defiant trespasser and may be subject to prosecution pursuant to the defiant trespasser provisions of the Pennsylvania Crimes Code.  
(Ord. 274, passed - -2015)

### ' 91.04 ALCOHOLIC BEVERAGES.

Possession and/or consumption of any alcoholic beverage at or within any recreation facility is strictly prohibited.

(Ord. 274, passed - -2015) Penalty, see ' 91.99

## Parks and Recreation

### ' 91.05 CONTROLLED SUBSTANCES.

Possession and/or consumption of any controlled substance, as that term is defined in the State Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. " 780-101 et seq., at or within any recreation facility is strictly prohibited.

(Ord. 274, passed - -2015) Penalty, see ' 91.99

### ' 91.06 SMOKING.

All forms of smoking are strictly prohibited at or within any recreation facility.

(Ord. 274, passed - -2015) Penalty, see ' 91.99

### ' 91.07 PETS.

(A) No pets shall be permitted at the basketball court.

(B) Signs indicating no pets permitted at the basketball court shall be placed in proximity to said basketball court.

(C) Only pets that are controlled with a leash, harness and/or muzzle and supervised by their owner and/or authorized caretaker are permitted at or within the public park.

(D) No unsupervised pets are permitted in the public park.

(E) No pets are permitted to run free within the public park.

(F) All pet waste should be picked up and removed from the public park and disposed of properly.  
(Ord. 274, passed - -2015) Penalty, see ' 91.99

### ' 91.08 VEHICLES.

(A) All vehicles shall park only in the designated parking area at the public park.

(B) No unlicensed vehicles shall be parked in the designated parking area of the public park.  
(Ord. 274, passed - -2015) Penalty, see ' 91.99

### ' 91.09 BASKETBALL COURT.

(A) The basketball court shall be used for basketball use only, unless special written permission is obtained from Borough Council.

**Patterson Heights Borough - General Regulations**

(B) The basketball court shall not be used for riding, bicycling, skateboards or any other purpose than playing basketball.

(Ord. 274, passed - -2015)

**' 91.10 TRASH.**

(A) All trash generated while using the recreational facilities shall be placed in receptacles provided by the borough.

(B) No trash generated outside the recreational facilities shall be placed in the borough provided receptacles located at the recreational facilities.

(C) The trash receptacles are to remain in an upright position and are to be used for depositing trash only.

(D) Animal feces shall not be placed in receptacles provided by the borough.

(Ord. 274, passed - -2015) Penalty, see ' 91.99

**' 91.11 OFFENSES AGAINST PROPERTY.**

Anyone caught violating Pennsylvania Criminal Law with regards to offenses against property will be reported to the Police Department serving the borough and prosecuted to the fullest extent the law permits.

(Ord. 274, passed - -2015) Penalty, see ' 91.99

***PARK CONTROL*****' 91.25 TITLE.**

This subchapter shall be known as the APark Control Ordinance of 2005@.

(Ord. 233, passed 7-11-2005)

**' 91.26 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

## **Parks and Recreation**

**MINOR** or **MINORS.** Any person less than 18 years of age. For the purpose of this subchapter, any person shall be deemed to be 18 years of age on the date of his or her eighteenth birthday and not before that time.

**PARENT.** The natural parent or guardian or adult person 21 years of age or over, responsible for the custody or care of any minor.

**PATTERSON HEIGHTS BOROUGH PARK.** The property located between Eighth Avenue and Seventh Avenue and along Sixth Street in the Borough of Patterson Heights owned and maintained by the borough, including the playground, basketball court areas, parking area, shelter, borough building and all grounds, fixtures and structures appurtenant thereto.

**REMAIN.** Loiter, idle, wander, stroll, play or be.  
(Ord. 233, passed 7-11-2005)

### **' 91.27 UNLAWFUL CONDUCT.**

(A) It shall be unlawful for any person to enter upon or remain in any portion of the Patterson Heights Borough Park between the hours of 10:00 p.m. and 6:00 a.m. Eastern Standard Time when that time is in effect in the borough, and Daylight Saving Time when that time is in effect in the borough.

(B) It shall be unlawful for any actor, at any time, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, to:

- (1) Engage in fighting or threatening, violent or tumultuous behavior;
- (2) Make unreasonable noise;
- (3) Use obscene language, or make obscene gestures;
- (4) Possess alcoholic beverages; or

(5) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(Ord. 233, passed 7-11-2005) Penalty, see ' 91.99

### **' 91.28 DUTIES OF POLICE.**

(A) Any police officer who finds an individual violating any provisions of this subchapter shall issue a citation under this subchapter with the penalties provided herein.

## Patterson Heights Borough - General Regulations

(B) Any police officer who finds a minor violating any provisions of this subchapter shall endeavor to obtain the name, age, date of birth and address of the minor and the names of the minor=s parents. The minor shall thereupon either be brought to the police station and the parents notified or shall be taken or instructed to proceed directly to his or her home. The information obtained from the minor, together with full report, shall be transmitted to the Chief of Police, who shall cause a written notice to be delivered, mailed or otherwise, to the parents of the minor advising them of the violation of this subchapter. A record of all violations shall be kept. The police officer of the borough in taking a minor into custody under this subchapter shall use discretion in determining age, and in doubtful cases may require positive proof, and until such proof is furnished, the officer=s judgment shall prevail.  
(Ord. 233, passed 7-11-2005) Penalty, see ' 91.99

### ' 91.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) (1) Except as otherwise provided within " 91.01 through 91.11, a violation of any provision of " 91.01 through 91.11 shall constitute a summary criminal offense.

(2) The police department serving the borough shall initiate a summary criminal proceeding in the Magisterial District Court serving the borough.

(3) Upon conviction, the violator may be fined up to \$300, and sentenced to incarceration for a period not to exceed 30 days for each violation.

(C) (1) Each violation of the provisions of " 91.25 through 91.28 shall constitute a separate offense.

(2) (a) Any individual who violates the provisions of " 91.25 through 91.28 shall, after conviction, be sentenced to pay a fine of \$100, and in default of payment thereof, shall undergo imprisonment in the county jail for a period not exceeding 24 hours; however, for any subsequent conviction thereafter, said actor shall be fined not less than \$200 nor more than \$500 and in default of payment thereof shall undergo imprisonment in the county jail for a period not exceeding 15 days.

(b) Any parent who shall permit a minor to violate provisions of " 91.25 through 91.28 after having received notice of a prior violation shall, after conviction, be sentenced to pay a fine of \$100 and in default of payment thereof shall undergo imprisonment in the county jail for a period not exceeding 24 hours; however, for any subsequent conviction thereafter, said parent shall be fined not less than \$200 nor more than \$500 and in default of payment thereof shall undergo imprisonment in the county jail for a period not exceeding 15 days.

## **Parks and Recreation**

(c) Any minor who shall violate " 91.25 through 91.28 more than three times shall be reported to a society, department of government or organization whose purpose is to take charge of incorrigibles and delinquents and proceedings will then be taken in a Court of Quarter Sessions or Juvenile Court for his or her permanent welfare, and a like procedure shall be taken in cases where the arrest of the parent or operator shall not be effective, or where for any other reason on the provisions of " 91.25 through 91.28 cannot be made effective by fines and penalties imposed thereunder.  
(Ord. 233, passed 7-11-2005; Ord. 274, passed - -2015)

**Patterson Heights Borough - General Regulations**



## CHAPTER 92: ANIMALS

### Section

- 92.01 Definitions
- 92.02 Running at large
- 92.03 Dangerous or vicious animal
- 92.04 Restriction on number of animals
- 92.05 Prohibited from parks and playgrounds
- 92.06 Leash required
- 92.07 Noisy or barking animal
- 92.08 Public nuisance
- 92.09 Cats and collars
- 92.10 Animal wastes or feces
- 92.11 Exception
- 92.12 Keeping of swine, poultry, horses, cows, sheep or goats
  
- 92.99 Penalty

### ' 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DOMESTIC ANIMAL.*** Any animal reclaimed from a wild state and adapted to live with, tamed by and associating with humans.

***OWNER.*** Any person having the custody or control of any domestic animal or who permits a domestic animal to remain on his or her property.  
(Ord. 210, passed 9-13-1993)

### ' 92.02 RUNNING AT LARGE.

## **Patterson Heights Borough - General Regulations**

It shall be unlawful for the owner of any domestic animal, excluding cats, to permit said animal to run at large, at any time, within the borough. For the purpose of this section, any domestic animal, excluding cats, not restrained by leash or by other suitable means of control, when said domestic animal is not upon the premises of the owner thereof, shall be considered to be running at large.  
(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

### **' 92.03 DANGEROUS OR VICIOUS ANIMAL.**

It shall be unlawful to keep at any place within the borough any dangerous or vicious animal or any animal with a contagious or infectious disease, when said animal by reason of its disposition or state of health constitutes a clear and present danger to the health, safety and welfare of any person or persons.  
(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

### **' 92.04 RESTRICTION ON NUMBER OF ANIMALS.**

It shall be unlawful for any person or owner to permit more than a total of three domestic animals to be kept and maintained within the confines of the household dwelling of such person or owner and in no event may more than two of those three animals be kept on property outside of the confines of the dwelling and those areas must be kept in a sanitary non-odoriferous condition. The areas containing runs, restraining fences or housing for such animals must not be within ten feet of any property line.  
(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

### **' 92.05 PROHIBITED FROM PARKS AND PLAYGROUNDS.**

All domestic animals are prohibited from the parks or playgrounds of the borough.  
(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

### **' 92.06 LEASH REQUIRED.**

It shall be unlawful for any owner to walk or exercise any domestic animal not upon the premises of the owner thereof unless the said animal is restrained by a leash held by the owner or persons designated by the owner who shall be capable of properly restraining the movements of said domestic animal. No domestic animal shall be walked or exercised other than upon the premises of the owner thereof unless the owner or person accompanying the said domestic animal shall carry and use suitable facilities for gathering up any and all matter excreted by the said domestic animal during the course of said walk or exercise and said owner or person shall be responsible for promptly removing said material and placing it in the container carried for that purpose, and failure to do so shall constitute a violation of this chapter.  
(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

## **Animals**

### **' 92.07 NOISY OR BARKING ANIMAL.**

It shall be unlawful for any person to keep, own, harbor, maintain or possess any domestic animal that barks and/or makes noise repeatedly that disturbs the quiet of the neighborhood and is a continuous annoyance to the residents of that neighborhood.

(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

### **' 92.08 PUBLIC NUISANCE.**

Any domestic animal found running at large in the borough or disturbing the peace as set forth in ' 92.07 or infected with a contagious disease is hereby declared to be a public nuisance. Any domestic animal found running at large upon public or private property, or upon any street in the borough may be seized or taken by any borough police office, by any humane society officer or by any other person as authorized by the Borough Council, and impounded in a facility designated by the borough. If the owner of the domestic animal is known or may be identified, that owner shall be given notice to reclaim the domestic animal within 24 hours after receipt of the notice, and shall be allowed to reclaim the domestic animal after paying a penalty to the borough of \$25 and all fees or costs of impoundment. If the domestic animal is not reclaimed or the penalty is not paid within the 24-hour period after receipt of notice as herein provided, the domestic animal may be killed in a humane manner.

(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

### **' 92.09 CATS AND COLLARS.**

All cats shall at all times wear a suitable collar bearing the cat owner=s name and address.

(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

### **' 92.10 ANIMAL WASTES OR FECES.**

(A) (1) It shall be unlawful for any person to permit any domestic animal, including cats, within his or her control to deposit on any public property or upon any private property, without consent of the owner of the property, any animal wastes or feces. Disposal of the animal feces shall be made on the animal owner=s property and not in receptacles owned by the borough or anyone other than the animal=s owner. Animal feces shall not be permitted to be placed in yard waste (including leaves) awaiting pickup.

(2) Permitting the deposit of waste or feces by any such domestic animal shall constitute a public nuisance.

(B) Where the owner or person in control of the domestic animal immediately removes all feces deposited by the domestic animal upon private property and in a sanitary manner disposes of the feces, that nuisance as to that owner shall be considered abated.

(Ord. 210, passed 9-13-1993) Penalty, see ' 92.99

**Patterson Heights Borough - General Regulations****' 92.11 EXCEPTION.**

This chapter shall not apply to seeing eye dogs engaged in guiding persons with defects of eyesight.  
(Ord. 210, passed 9-13-1993)

**' 92.12 KEEPING OF SWINE, POULTRY, HORSES, COWS, SHEEP OR GOATS.**

It shall be unlawful for any person, person, firm, firms, corporation or corporations, either as principal or agent, to keep within the borough any swine, poultry, horses, cows, sheep or goats; provided that riding horses may be kept in the borough if the stable in which they are kept is maintained in a proper and sanitary manner and is not nearer than 100 feet to any dwelling; that cows may be kept within the borough only if the barn in which they are kept is maintained in a sanitary manner and not nearer than 100 feet to any dwelling; that chickens may be kept in the borough only if they are confined in coops or pens not nearer than 100 feet to any dwelling.  
(Ord. 98, passed 12-5-1941) Penalty, see ' 92.99

**' 92.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) Any person violating any provision of " 92.01 through 92.12, upon conviction before a Magisterial District Justice of this county, be sentenced to pay a fine not exceeding \$300 and the cost of prosecution and/or to under go imprisonment for a term not to exceed 90 days.  
(Ord. 98, passed 12-5-1941; Ord. 210, passed 9-13-1993)

## CHAPTER 93: ALARMS

### Section

- 93.01 Purpose
- 93.02 Definitions
- 93.03 False alarms
  
- 93.99 Penalty

#### ' 93.01 PURPOSE.

This chapter is enacted in the interest of health, safety and welfare of the residents of the borough for the prevention of false alarms and to eliminate the unnecessary costs of responding to such false alarms.

(Ord. 239, passed 2-5-2007)

#### ' 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***FALSE ALARM.*** Any local alarm system activated intentionally or by inadvertence, negligence or unintentional act of someone other than an intruder and shall include, as well, alarms caused by malfunctioning of the alarm device or other relevant equipment and which results in an unnecessarily summoned response by the borough's Police Department or the Patterson Heights Fire Department, or their designated assignee.

***LOCAL ALARM SYSTEM.*** Any type of alarm system activating equipment which provides warning of intrusion, fire, smoke, flood or other perils by a signal that is sounded on the premises.

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

## **Patterson Heights Borough - General Regulations**

***SUMMONED RESPONSE.*** The appearance of the borough=s Police Department or the Patterson Heights Volunteer Fire Department or their designated assignee at the premises from which the local alarm system is activated, said appearance occurring as a result of a call or other communication to the Department(s) by the owner or occupier of the premises or his or her designated assignee.  
(Ord. 239, passed 2-5-2007; Ord. 247, passed 6-1-2009)

### **' 93.03 FALSE ALARMS.**

(A) The borough=s Police Department and/or the Patterson Heights Volunteer Fire Department shall keep a record of all of their summoned responses to false alarms caused by local alarm systems within the borough.

(B) In the case of a false alarm, the Police Chief may cause an investigation to be made as to the cause of said false alarm.  
(Ord. 239, passed 2-5-2007; Ord. 247, passed 6-1-2009) Penalty, see ' 93.99

### **' 93.99 PENALTY.**

(A) Penalties in accordance with the following schedule shall be imposed for the summoned response of the borough=s Police Department or Patterson Heights Volunteer Fire Department or its designee to a false alarm: for the third false alarm in any one-year period (the one-year period begins with first false alarm), a warning shall be issued by the Police Chief; for the fourth false alarm and each and every false alarm thereafter in the one-year period, a fine of \$100 shall be paid by the owner of the alarm system to the borough. The Police Chief shall cause written notice of any warning or fine imposed by this section to be mailed to the owner of the alarm system, by certified mail, return receipt requested. All fines imposed by this section shall be paid no later than 30 days from the date of issuance. The borough may seek to recover said fines in District Court 36-1-02.

(B) Nothing contained in this section shall be applicable to schools or municipal buildings.  
(Ord. 239, passed 2-5-2007; Ord. 247, passed 6-1-2009)

## CHAPTER 94: NUISANCES

Section

### *Nuisances Generally*

- 94.01 Garbage and rubbish
- 94.02 Abandoned or junked automobiles
- 94.03 Animals
- 94.04 Dangerous structures
- 94.05 Cisterns, cesspools and the like
- 94.06 Prohibition
- 94.07 Council determination
- 94.08 Notification

### *Weeds and Vegetation*

- 94.20 Prohibited
- 94.21 Borough action

### *Noise*

- 94.35 Prohibited
- 94.99 Penalty

## ***NUISANCES GENERALLY***

### **' 94.01 GARBAGE AND RUBBISH.**

The Council hereby declares that the accumulation of garbage and rubbish, except in a proper container for the purpose of prompt disposal, constitutes a nuisance and is hereby prohibited. (Ord. 200, passed 12-4-1989) Penalty, see ' 94.99

## **Patterson Heights Borough - General Regulations**

### **' 94.02 ABANDONED OR JUNKED AUTOMOBILES.**

The Council hereby declares that the storage of abandoned or junked automobiles or other motor vehicles on public or private property in such a manner as to constitute a nuisance is hereby prohibited. It is hereby provided that junked automobiles shall include any partially dismantled or inoperative motor vehicles not bearing a current registration license plate and inspection sticker, and which is not in the process of immediate repair.

(Ord. 200, passed 12-4-1989) Penalty, see ' 94.99

### **' 94.03 ANIMALS.**

The Council hereby declares that the maintenance of animals on private property in an offensive, unhealthy or unsanitary manner shall constitute a nuisance and is hereby prohibited.

(Ord. 200, passed 12-4-1989) Penalty, see ' 94.99

### **' 94.04 DANGEROUS STRUCTURES.**

The Council hereby declares that a dangerous structure on either public or private grounds constitutes a nuisance and is hereby prohibited. It is hereby provided that a dangerous structure shall be one that constitutes a danger to the public health because of its condition and which may cause or aid in the spread of disease, or injury to the occupants of it or neighboring structures or because of its condition constitutes or creates a fire hazard or because of its condition is liable to cause injury or damage by collapse.

(Ord. 200, passed 12-4-1989) Penalty, see ' 94.99

### **' 94.05 CISTERNS, CESSPOOLS AND THE LIKE.**

The Council hereby declares that the maintenance of an open cistern, cesspool, refuse or other unhealthy and/or unsanitary condition is hereby declared to be a nuisance and is hereby prohibited.

(Ord. 200, passed 12-4-1989) Penalty, see ' 94.99

### **' 94.06 PROHIBITION.**

Both the owner and occupier of all grounds within the borough are hereby prohibited from maintaining any nuisance, including, but not limited to, the items herein set forth and the violation thereof shall be subject to all the terms, conditions and penalties provided for in this subchapter.

(Ord. 200, passed 12-4-1989) Penalty, see ' 94.99



## Nuisances

### ' 94.07 COUNCIL DETERMINATION.

The determination of the existence of a nuisance within the terms and provisions of this subchapter shall be made by the Council after a hearing held on the matter. Times for hearings will be designated by the Council and notice of the hearing will be given by certified mail addressed to the owner and occupier of the property alleged to be in violation of this subchapter. Said notice will be given at least ten days prior to said hearing.  
(Ord. 200, passed 12-4-1989)

### ' 94.08 NOTIFICATION.

Upon determination of the existence of a nuisance under the terms and provisions of this subchapter, the Borough Secretary shall, by certified mail addressed to the last known address of the owner and occupier of such property, give notice requiring the abatement or removal of said nuisance within such period of time as is set forth in the notice, but in no event will said period be less than 15 days. If the property is not occupied and the whereabouts or identity of the owner is unknown, then notice shall be given posting said notice on the property. Upon failure of the owner or occupier to abate or remove the nuisance, the borough may cause the same to be done and shall be entitled to collect the cost of removal or abatement of such nuisance. Collection of said cost shall be accomplished by summary proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim. In the exercise of the powers herein conferred, the borough may seek relief by bill in equity.  
(Ord. 200, passed 12-4-1989)

## *WEEDS AND VEGETATION*

### ' 94.20 PROHIBITED.

From and after the passage and promulgation of this subchapter, it shall be unlawful for any person, firm or corporation owning or having a present interest in any real estate in the borough to permit weeds or similar vegetation, not edible or planted for some useful or ornamental purpose, to grow or remain on the premises owned by them in the borough, or on the streets, lanes and alleys abutting on the premises owned by them in the borough, at a height greater than six inches, and all such vegetation is hereby declared to be a nuisance and detrimental to the health, safety and comfort of the residents of the borough.  
(Ord. 91, passed 8-5-1938) Penalty, see ' 94.99

**Patterson Heights Borough - General Regulations****' 94.21 BOROUGH ACTION.**

All weeds or other vegetation herein above prohibited in ' 94.20, if permitted to grow or remain contrary to the provisions of this subchapter, may at the option of the borough be cut or removed by or under the direction of the President of the Borough Council or Street Commissioner of said borough or any other person designated by said Council, and the cost of cutting and removing thereof, together with a penalty of 10% above the cost thereof, shall be collected by them for action in assumpsit, or any such manner as may be provided by law.

(Ord. 91, passed 8-5-1938)

***NOISE*****' 94.35 PROHIBITED.**

It shall be unlawful for any person or persons to set off fireworks or any other explosive device for the purpose of making any loud or unseemly noise or noises within the limits of the borough.

(Ord. 36, passed 3-28-1912) Penalty, see ' 94.99

**' 94.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) Upon the determination of the existence of a nuisance under the terms and provisions of " 94.01 through 94.08, the owner and occupier of the premises shall be deemed in violation of " 94.01 through 94.08 and shall be sentenced to pay a fine of not less than \$25 and not more than \$600 and the costs of prosecution thereof in the manner provided by the Borough Code and upon failure to pay said fine and costs of prosecution thereof in the manner provided by the Borough Code. It is further provided that each day=s violation after expiration of the time set forth in the notice to abate or remove the nuisance shall constitute a separate offense. The fine and costs herein provided shall be in addition to the cost of removal permitted to be recovered by the terms and provisions of Pamphlet Law 202, No. 53 of April 28, 1978 as amended.

(C) Any person, firm or corporation violating " 94.20 and 94.21 shall be subject to a fine of not more than \$25 for each offense, and it is hereby declared that each refusal or neglect to comply with the terms of " 94.20 and 94.21 shall be considered a separate violation thereof, and notice to the offender by the borough is not necessary in order to constitute an offense, and in default of payment of the fine be committed to the borough lock-up for a period not exceeding 24 hours.

## Nuisances

(D) Any person violating ' 94.35 shall, upon conviction thereof, be deemed guilty of disorderly conduct and for each and every such offense shall be fined not more than \$50, and if default in payment thereof, be imprisoned not more than ten days in the county jail, and it shall be the duty of the Borough Police Department to enforce the provisions of ' 94.35.

(Ord. 36, passed 3-28-1912; Ord. 91, passed 8-5-1938; Ord. 200, passed 12-4-1989)

**Patterson Heights Borough - General Regulations**

## CHAPTER 95: OPEN BURNING

### Section

- 95.01 Purpose
- 95.02 Prohibition of burning material
- 95.03 Permissible burning
- 95.04 Emergencies
  
- 95.99 Penalty

### ' 95.01 PURPOSE.

This chapter is enacted in the interest of health, safety and welfare of the residents of the borough for the prevention of fires and to eliminate nuisances caused by smoke, ash and odors resulting from burning materials.

(Ord. 236, passed 11-6-2006)

### ' 95.02 PROHIBITION OF BURNING MATERIAL.

Unless permitted in ' 95.03, no person, firm, corporation or other entity shall burn any materials whatsoever within the borough.

(Ord. 236, passed 11-6-2006) Penalty, see ' 95.99

### ' 95.03 PERMISSIBLE BURNING.

(A) Fires are permitted under the following conditions, to the extent they are properly attended by a person 16 years of age or older:

(1) *Cooking grills.* Grills, stove ranges, broilers and other cooking devices, involving flames for heating and cooking foods, to the extent said devices comply with all other laws, regulations and codes may be used;

(2) *Fireplace burning.* Logs (authentic and artificial) may be burned within a fireplace or stove serviced by a proper chimney system, to the extent such burning is compliant with all other laws,

regulations and codes; and

(3) *Recreational burning.* Burning wood products within a firepit, chiminea, receptacle or other container for recreational purposes shall be permitted. Such containers shall be no larger than four feet in width and four feet in length and shall be deep enough to contain all flames of the fire.

(B) Under no circumstances will burning be permitted of:

(1) Materials determined by the Borough Council to be recyclable under the terms of the " 90.060 through 90.071 of this code of ordinances;

(2) Salvaged or reclaimed products or materials and solid or liquid materials or rubbish resulting from construction, building operations or trade or business;

(3) Rubbish, rubber products or any other materials creating noxious or toxic smoke or fumes;

(4) Leaves, grass or other lawn and yard debris; or

(5) Paper.

(C) No outdoor burning shall be kindled or maintained within 20 feet of any building or structure or within ten feet of any property line. Furthermore, outside burning shall be permitted only between the hours of 11:00 a.m. and 11:00 p.m. of any given day.

(Ord. 236, passed 11-6-2006; Ord. 250, passed 6-1-2009) Penalty, see ' 95.99

#### **' 95.04 EMERGENCIES.**

In the event a fire hazard or emergency condition exists by reason of a dry season or other circumstances, the Council, Mayor or Fire Chief may, by proclamation, prohibit all outdoor burning of any kind for the duration of such emergency. Such proclamation shall be publicly announced through the news media within the borough, and thereafter, no person shall kindle or maintain any outside fire whatever for the duration of such emergency.

(Ord. 236, passed 11-6-2006) Penalty, see ' 95.99

#### **' 95.99 PENALTY.**

Any person, firm, corporation or other entity who shall violate any of the provisions of this chapter or fail to comply herewith shall upon conviction before a Magisterial District Justice, be subject to a fine of not less than \$200, nor more than \$500, plus costs of prosecution, for the first violation; not less than \$500, nor more than \$1,000 for any additional violation.

(Ord. 236, passed 11-6-2006)

## CHAPTER 96: STREETS, DRIVEWAYS AND CURBS

### Section

#### *Street Openings*

- 96.01 Definitions
- 96.02 Permit required; emergency circumstances
- 96.03 Adherence to terms of permit
- 96.04 Time frame for commencement of work
- 96.05 Permits nontransferable
- 96.06 Expiration of permits
- 96.07 Cuts made by municipal utilities
- 96.08 State and county highways
- 96.09 Right to use streets
- 96.10 Revocation of permit
- 96.11 Duties and responsibilities of applicant
- 96.12 Duties and responsibilities of permittee; fees
- 96.13 Regulations for openings and excavations
- 96.14 Backfilling and restoration
- 96.15 Restoration guarantee
- 96.16 Bond requirements
- 96.17 Liability insurance
- 96.18 Openings in new streets
- 96.19 List of facilities beneath streets to be furnished to borough
- 96.20 Abandoned facilities
- 96.21 Notice to abutting owners and tenants
- 96.22 Notice to police and fire authorities

#### *Curb Cuts and Driveway Construction*

- 96.35 Width of driveways
- 96.36 Permit required
- 96.37 Fee
- 96.38 Sidewalk not to be disturbed
- 96.39 General requirements
- 96.40 Rectification of improper work

## Patterson Heights Borough - General Regulations

### *Curbs*

96.55	Required
96.56	Contract
96.57	Costs to be assessed
96.58	Payment of assessment
96.59	Collection
96.99	Penalty

### ***STREET OPENINGS***

#### **' 96.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***APPLICANT.*** Any person who makes application for a permit.

***EMERGENCY.*** Any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

***NEW IMPROVED STREET.*** Newly constructed cartways, including base and surfacing of either concrete or asphalt and reconstructed cartways surfaced with at least one and one-fourth inch top of asphalt. It shall be the prerogative of the Public Works Director/Roadmaster to define the category of ***NEWLY IMPROVED STREET*** and advise the proper utility companies of this designation.

***PERMITTEE.*** Any person who has been issued a permit and has agreed to fulfill all the terms of this subchapter.

***PUBLIC UTILITY COMPANY.*** Any cable television company or any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

***STREET.*** A public street, public easement, right-of-way, public highway, public alley, public sidewalk, public way or public road accepted or maintained by the municipality or open for travel and use by the public, whether or not so accepted or maintained, including the entire area within the right-of-way thereof.

(Ord. 270, passed - -2014)



## Streets, Driveways and Curbs

### ' 96.02 PERMIT REQUIRED; EMERGENCY CIRCUMSTANCES.

(A) It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in or under the surface of any street without first securing a permit from the borough for each separate undertaking.

(B) Any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided that the permit could not have reasonably and practically been obtained beforehand. In such cases where emergency openings are necessary, the borough shall be notified prior to such openings by either fax or telephone. The person shall thereafter apply for a permit on the first regular business day on which the borough office is open for business, and said permit shall be retroactive to the date when the work was begun.

(Ord. 270, passed - -2014) Penalty, see ' 96.99

### ' 96.03 ADHERENCE TO TERMS OF PERMIT.

No permittee shall perform any of the work authorized by such permit in any amount greater than that specified in such permit, except that where the permittee desires to perform additional work not in excess of an amount greater than 10% of the amount specified in such permit, the permittee may apply to the borough for an amended permit to permit the additional work. If additional work desired to be performed by the permittee exceeds 10% of the amount specified in the original permit, an application for a new permit shall be deemed to cover any such additional work as may be added pursuant to the issuance of an amended permit within the limit specified herein.

(Ord. 270, passed - -2014) Penalty, see ' 96.99

### ' 96.04 TIME FRAME FOR COMMENCEMENT OF WORK.

Work for which a permit has been issued shall commence within 30 days after the issuance of the permit thereof. If not so commenced, the permit shall be terminated automatically unless the permittee applies for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Permits which terminate by reason of failure to commence work within 30 days after issuance thereof or within any extension of time granted hereunder may be renewed only upon the payment of an additional permit fee as originally required.

(Ord. 270, passed - -2014)

### ' 96.05 PERMITS NONTRANSFERABLE.

Permits are not transferable from one person to another, and the work shall not be performed in any place other than the location specifically designated in the permit.

(Ord. 270, passed - -2014) Penalty, see ' 96.99

**Patterson Heights Borough - General Regulations****' 96.06 EXPIRATION OF PERMITS.**

Every permit shall expire after 60 days from issuance date. If the permittee shall be unable to complete the work within the specified time, he or she shall, prior to expiration of the permit, present, in writing, to the borough a request for an extension of time setting forth therein the reasons for the requested extension. If the borough finds that the failure to complete the work under the permit within the time specified therein was due to circumstances reasonably beyond the control of the permittee and that an extension of time to complete the work under the permit is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.  
(Ord. 270, passed - -2014)

**' 96.07 CUTS MADE BY MUNICIPAL UTILITIES.**

All street openings required by utilities owned and/or operated by the borough shall be made and restored under the direction and supervision of the Municipal Engineer. The permit, fee, deposit, insurance and bond requirements of this subchapter shall not be applicable to any openings made by municipally owned and/or operated facilities.  
(Ord. 270, passed - -2014)

**' 96.08 STATE AND COUNTY HIGHWAYS.**

The provisions of this subchapter shall not be applicable in those instances where the street or highway is maintained by the commonwealth or by the county; provided, however, that any person applying for a permit to do work within the right-of-way of a street or highway maintained by the commonwealth or by the county which would otherwise require a permit under the terms of this subchapter shall notify the borough at the time that said application is made and at the time that the work under any permit issued pursuant to said application is begun, so that proper safety precautions may be taken by the borough during the continuation of said work.  
(Ord. 270, passed - -2014)

**' 96.09 RIGHT TO USE STREETS.**

Every permit shall be granted subject to the right of the borough, or of any other person entitled thereto, to use the street for any purpose for which such street may lawfully be used not inconsistent with the permit.  
(Ord. 270, passed - -2014)

## Streets, Driveways and Curbs

### ' 96.10 REVOCATION OF PERMIT.

(A) Any permit may be revoked by the borough, after written notice to the permittee, for:

(1) Violation of any condition of the permit or of any provision of this subchapter;

(2) Violation of any other applicable provision of the borough regulations or any other applicable ordinance, regulation or statute; and

(3) The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of others.

(B) A permittee shall be granted a period of three days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

(C) Written notice of any such violation or condition shall be served upon the permittee or his or her agent engaged in the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.

(D) When any permit has been revoked and the work authorized by the permit has not been completed, the borough shall do or cause to be done such works as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the borough shall be recovered from the deposit or bond of the permittee has made or filed with the borough. (Ord. 270, passed - -2014)

### ' 96.11 DUTIES AND RESPONSIBILITIES OF APPLICANT.

It shall be the duty and responsibility of any applicant to:

(A) Make written application for such permit with the borough on such form as he or she shall prescribe. No work shall commence until the borough has approved the application and plan and issued a permit, and until the permittee has paid and provided all required fees, deposits, certificates and bonds;

(B) Furnish, in triplicate, a plan showing the work to be performed under said permit. Two copies of such plan shall be returned to the applicant at the time the permit is granted; and

(C) Agree to save the borough, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of a permit shall constitute such an agreement by the applicant whether the same is expressed or not.

(Ord. 270, passed - -2014)

## **Patterson Heights Borough - General Regulations**

### **' 96.12 DUTIES AND RESPONSIBILITIES OF PERMITTEE; FEES.**

It shall be the duty and responsibility of any person receiving a permit to:

(A) Pay a permit fee in an amount established by resolution of the Council of the borough; provided, however, that public utility companies may elect to be billed monthly for such fees as they accrue, upon written notice to the borough; and

(B) Make a deposit to cover any additional costs borne by the borough specifically related to the work authorized by the permit and, unless the permittee is granted permission to restore the street surface, the cost of restoring the street surface removed or damaged by the work done under such permit. The amount of such deposit shall be computed by the borough of this subchapter. In the case of public utility companies, the borough may waive the requirement of a deposit if said utility companies file with the borough their corporate bond in a form satisfactory to the Municipal Solicitor, conditioned upon the payment to the borough of all costs which would otherwise be covered by and paid out of such a deposit. In the event that such utility companies elect to file such a bond, the borough shall bill such utility companies monthly for such costs as they accrue.

(Ord. 270, passed - -2014)

### **' 96.13 REGULATIONS FOR OPENINGS AND EXCAVATIONS.**

(A) No opening or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street temporarily restored.

(B) No more than 250 feet measured longitudinally shall be opened in any street at any one time, except by special permission of the borough.

(C) All utility facilities shall be exposed sufficiently or their definite location shall be determined ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

(D) Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.

(E) Any person whose facilities are damaged or caused to be relocated by the permittee shall notify the permittee and the borough of such damage and thereafter may make the necessary repairs or relocation and file a claim against the permittee with the borough for the costs of such repairs or relocation. Public utility companies concerned shall be notified by the borough in sufficient time to determine the validity of the damage or relocation claims. The cost of such repair work or relocation work may be withheld by the borough from the deposit pending determination of liability for the damage.

(F) Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point of a permanent survey bench mark within the borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained, in writing, from the borough.

## Streets, Driveways and Curbs

Permission shall be granted only upon the condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

(G) When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage.

(H) When any earth, gravel or other excavated material is caused to flow, roll or wash upon any street, the permittee shall cause removal of the same from the street within eight hours after deposit to permit safe flow of traffic. In the event that the earth, gravel or other excavated material so deposited is not removed as specified, the borough shall cause such removal, and the cost incurred shall be paid by the permittee or deducted from his or her deposit.

(I) Every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the borough to be necessary for the protection of the public. Additional safety requirements may be prescribed by the borough and, where applicable, shall be in conformance with the requirements set forth in PennDOT 67 Pa. Code " 203.1 et seq., as amended, dealing with work-zone traffic control. Copies of the publication shall be made available in the office of the borough for inspection by the public.

(1) Whenever any person fails to provide or maintain the required safety devices, such devices shall be installed and maintained by the borough. The amount of the cost incurred shall be paid by the permittee or deducted from his or her deposit.

(2) No person shall willfully move, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this section.

(J) Access to private driveways shall be provided except during working hours when construction operations prohibit provisions of such access. Free access must be provided at all times to fire hydrants.

(K) Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate dirt or dust nuisance, the borough may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the borough. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along the sidewalk line.

(L) Work authorized to be performed by a permittee shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the permittee obtains written consent from the borough to do the work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event that the work authorized by the permit is to be performed in traffic-congested areas.

(M) In granting any permit, the borough may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from

## **Patterson Heights Borough - General Regulations**

being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to:

- (1) Limitations on the period of the year in which the work may be performed;
- (2) Restrictions as to the size, weight and type of equipment;
- (3) Designation of routes upon which materials may be transported;
- (4) Designation of the place and manner of disposal of excavated materials;
- (5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof; and
- (6) Regulations as to the use of streets in the course of the work.

(N) The use of a mechanical device for the breaking of pavement, such as a hydra-hammer, headache ball and the like will be permitted only under special written permission of the borough.  
(Ord. 270, passed - -2014)

### **' 96.14 BACKFILLING AND RESTORATION.**

(A) All pavement cuts, openings and excavations shall be made properly and backfilled properly by the permittee according to borough specifications, including, but not limited to, the details at the appendix to this chapter, attached hereto and incorporated herein as if set out in length in full. Unless the permittee has been granted permission to restore the street surface, as provided in division (D) below, the permittee also shall place a temporary surface on the pavement cut, opening or excavation in accordance with municipal specification. If the permittee had been granted permission to restore the street surface, but weather conditions are such as to prevent the completion of permanent restorations of the street surface at the time backfilling is completed, the permittee shall install a temporary surface in accordance with municipal specifications until such time as weather conditions will permit permanent restoration of the street surface.

(B) The borough shall be notified by the permittee 48 hours in advance of backfilling and restoration. Such notice shall provide the approximate time each will begin.

(C) No backfilling or restoration shall be accomplished unless or until the Municipal Engineer is present or permission has been granted for backfilling or restoration after inspection by the Municipal Engineer.

## Streets, Driveways and Curbs

(D) The work of final restoration, including both paving surface and paving base, shall be performed directly by the borough under the supervision of the Municipal Engineer; provided, however, that upon a public utility company's application for permission to perform the work or restoration, the borough may grant permission to such public utility company to perform the work or restoration. In those cases, where such permission is granted, the work of restoration, including both paving surface and paving base, shall be performed by the permittee according to municipal specifications and shall be subject to inspection by the Municipal Engineer.

(E) If the Municipal Engineer finds that paving surfaces adjacent to the street openings may be damaged where trenches are made parallel to the street or where a number of cross trenches are laid in proximity to one another or where the equipment used may cause such damage, he or she may require negotiated contribution from the permittee for the resurfacing in place of patching of such street if the total area of the proposed patch or damaged area exceeds 25% of the total pavement surfacing between curb faces or between concrete gutter edges. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.

(F) After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence. Unless the provisions of division (A) above apply, the permittee is required to complete permanent restoration of the street surface in accordance with municipal specifications within seven days after repairs and/or installation are completed. Furthermore, the permittee shall be required to install and maintain a temporary surface in accordance with municipal specification during:

(1) The period between the completion of repairs and/or installation and the commencement of final restoration; and

(2) The periods during the actual work when workers do not require access to the excavation.

(G) Inspections of all work authorized by a permit shall be made by the Municipal Engineer at such times and in such manner as required to assure compliance with provisions of the subchapter. If the nature of the work to be performed under any permit is such as to require the services of a full-time inspector, the Municipal Engineer shall provide of the services of such inspector.

(H) All costs of inspection shall be borne by the permittee. Such costs shall be based upon a schedule of charges on file in the office of the borough.

(I) Upon completion of all work accomplished under the provisions of a permit, the permittee shall notify the borough, in writing. A certificate of final inspection shall be issued by the Municipal Engineer to each permittee no sooner than one year and not later than 18 months after the permanent restoration of the excavation has been made, provided that the work authorized by the permit has been performed according to municipal specifications. Prior to the issuance of a certificate, the Municipal Engineer shall make a final inspection of the restoration to determine whether municipal specifications have been adhered to and/or whether the restoration work was otherwise adequately and properly performed.

## Patterson Heights Borough - General Regulations

(J) If any settlement in a restored area occurs within a period of two years from the date of completion of the permanent restoration and the permittee fails to make such correction after notification, any expense incurred by the borough in correcting such settlement shall be paid by the permittee or recovered from his or her bond, unless the permittee submits proof, satisfactory to the borough, that the settlement was not due to defective backfilling.

(K) In no case shall any opening made by a permittee be considered in the charge or care of the borough or any of its officers or employees, and no officer or employee of the borough, or its agents, is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power when it is necessary to protect life and property; provided, however, that the borough assumes charge when making final surface restoration, unless the permittee has been granted permission to perform the work or restoration of the street surface as provided in division (D) above.  
(Ord. 270, passed - -2014)

### ' 96.15 RESTORATION GUARANTEE.

(A) *Computation of guarantee.* The borough, upon receipt of a properly completed application, shall determine the amount of the guarantee to be made by the permittee in accordance with the schedule of charges established pursuant to division (E) below. The guarantee shall be paid at the time the permit is issued, and the guarantee shall be used to reimburse the borough for the cost of any work and/or materials furnished by it in connection with work authorized by the permit, to cover the cost of all necessary inspections of said work or any other expenses incurred by the borough in carrying out the provisions of this subchapter. In the case of a public utility company, the requirement of such guarantee may be waived if such public utility company files with the borough its corporate bond.

(B) *Form of guarantee.* The guarantee may be either in to form of a certified, treasurer=s or cashier=s check or in lawful money of the United States.

(C) *Insufficient deposit.* If any guarantee is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the borough an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the borough may institute an action to recover the same in any court or competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

(D) *Yearly guarantee.* Whenever any public utility company shall anticipate applying for permits for more than one street opening or excavation per calendar year and does not elect to file a corporate bond as hereinbefore provided, such public utility company may post one guarantee in an amount and form as hereinbefore provided for the calendar year or part of thereof to cover the cost of guarantees which would otherwise be required for the anticipated permits.



## Streets, Driveways and Curbs

(E) *Guarantee and fee schedules.* The borough shall establish a schedule of charges for inspections, labor, materials and other such expenses as may be incurred by the borough in carrying out the provisions of this subchapter. This schedule shall be established by the borough in accordance with the reasonably anticipated costs to be incurred by the borough, making such inspections, including reasonable administrative and overhead expenses, and in accordance with the currently prevailing costs in the area for any labor and materials which may be provided by the borough. The borough shall revise said schedule from time to time to reflect any increase or decrease in the costs used to establish said charges. The schedule shall be open to public inspection in the borough administrative office.

(F) *Decision on costs.* The decision of the borough as to the cost of any work done or repairs made by the borough, pursuant to the provisions of this subchapter, shall be final and conclusive as to such cost, subject to such rights of appeal as may exist by statute.

(G) *Refund of guarantee.* Upon notification by the permittee that all work authorized by the permit has been completed, and after restoration of the opening, the borough shall refund to the permittee his or her deposit, less all cost incurred by the borough in connection with said permit. In no event shall the permit fee be refunded.

(Ord. 270, passed - -2014)

### ' 96.16 BOND REQUIREMENTS.

(A) *Performance bond where borough does not restore opening.* In those instances where the applicant has received or intends to apply for permission to perform the work of restoration of the street surface, each such applicant or permittee, upon receipt of a permit, shall provide the borough with financial security, in a form acceptable to the Municipal Solicitor, to guarantee faithful performance of work authorized by a permit granted pursuant to this subchapter. The amount of the financial security shall be 100% of the estimated cost of restoring the street opening. The term of the financial security shall begin upon the date of posting thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the borough. If the permittee anticipates requesting more than one permit per year, as required by this subchapter, the permittee may furnish a single financial security to guarantee faithful performance in such amount as the borough deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. In the case of a public utility company, its corporate bond, in a form satisfactory to the Municipal Solicitor, may be accepted in lieu of the corporate surety bond required by this section.

## Patterson Heights Borough - General Regulations

(B) *Maintenance bond.* Each applicant, upon the receipt of a permit, shall provide the borough with financial security, in a form acceptable to the Municipal Solicitor, to guarantee the maintenance of the work authorized by a permit granted pursuant to this subchapter, as well as compliance with the street opening specifications of the borough and the provisions of this subchapter. The borough shall determine the amount of the bond, and it shall be in relation to the cost of restoring the pavement cuts to be made by the permittee; provided, however, that the minimum amount of the bond shall not be less than \$2,000. The term of each bond shall begin from the completion date of permanent restoration of the opening by the borough and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Municipal Engineer. If the permittee anticipates requesting more than one permit a year, he or she may file a single financial security to guarantee maintenance of the work authorized by a permit granted under this subchapter, as well as compliance with the specifications of the borough and the provisions of this subchapter, in such amount as the borough deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. In the case of a public utility company, its corporate bond, in a form satisfactory to the Municipal Solicitor, may be accepted in lieu of the corporate surety bond required by this section.

(C) *Default in performance.* Whenever the borough shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the borough to be reasonably necessary for the completion of such work.

(D) *Completion of work.* After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the borough for the cost of doing the work as set forth in the notice.

(Ord. 270, passed - -2014)

### ' 96.17 LIABILITY INSURANCE.

Each applicant, upon the receipt of a permit and prior to performing work under the permit, shall procure and maintain adequate insurance in an amount of at least \$2,000,000 to protect it from claims for damages because of bodily injury, including death, and from claims for damages to property which may arise out of or be related to the performance of work under the permit, whether such performance is by the applicant or the applicant's subcontractor or anyone directly or indirectly employed by the applicant. Such insurance shall cover collapse, explosive hazards, underground work and work by equipment on the street and shall not include protection against liability arising from completed operations. The specific amount of the insurance shall be prescribed by the borough in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall be in an amount not less than \$250,000 for each person and \$500,000 for each accident, and for property damage in an amount not less than \$100,000 with an aggregate of \$300,000 for all accidents. A certificate of insurance, in the amount required by this action and in a form acceptable to the Municipal Solicitor, shall be filed with the borough prior to commencement of work under the permit. This certificate of insurance shall also state that the borough shall be given written notice at least 60 days prior to cancellation of such insurance. The borough shall be listed as an additional insured and/or loss payee on all policies of insurance described in this section. Public utility companies and authorities may be relieved of the obligation of submitting

## Streets, Driveways and Curbs

such a certificate if they submit satisfactory evidence, in a form acceptable to the Municipal Solicitor, that they are insured in accordance with the requirements of this subchapter or have adequate provision for self insurance. Public utility companies may file an annual certificate of insurance in lieu of individual certificates for each permit.

(Ord. 270, passed - -2014)

### ' 96.18 OPENINGS IN NEW STREETS.

(A) *Notice of proposed improvement.* When the borough shall improve or pave any street, the borough first shall give notice to all persons owning property abutting on the street about to be paved or improved and to all public utility companies and authorities operating in the borough, and all such persons, public utility companies and authorities operating in the borough, and all such persons, public utility companies and authorities shall make all connections, as well as any repairs thereto, which would necessitate excavation of the street, within 30 days from the giving of such notice. The time shall be extended if permission is requested, in writing, and approved by the borough after consultation with the Municipal Engineer.

(B) *Restriction upon opening newly improved street.* No permit shall be issued by the borough which would allow and excavation or opening in a paved and improved street surface less than five years old unless the applicant can demonstrate clearly that public health or safety requires that the proposed work be permitted, or unless an emergency condition exists, or unless approved by borough governing body subject to the applicant=s compliance with division (C) below.

(C) *Requirements for opening newly improved street.*

(1) If by special action of the borough governing body, a permit is issued to open any paved and improved street surface less than five years old, then the applicant for such permit shall improve the opening and/or excavation for the entire distance from curb to curb of the subject street and otherwise comply with the *Borough of Patterson Heights Construction and Design Specifications*, attached hereto and incorporated herein as if set out in full herein, in a manner acceptable to the Municipal Engineer.

(2) These requirements may be waived by action of the borough governing body.  
(Ord. 270, passed - -2014)

### ' 96.19 LIST OF FACILITIES BENEATH STREETS TO BE FURNISHED TO BOROUGH.

(A) Every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the borough or to or from premises of its inhabitants or for any other purposes shall file with the borough, within 120 days after the adoption of this subchapter, a written statement containing the names of the borough streets wherein the aforementioned facilities owned by such person are located.

## **Patterson Heights Borough - General Regulations**

(B) Within 90 days after January 1 of each and every year, such person shall notify, in writing, the borough of the changes necessary to maintain the street list required under division (A) above.  
(Ord. 270, passed - -2014)

### **' 96.20 ABANDONED FACILITIES.**

(A) Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street is abandoned or the use thereof is abandoned, the person owning, using, controlling or having an interest therein shall, within 30 days after such abandonment, file with the borough a statement, in writing, giving details of the location of the structure so abandoned. Whenever there are manholes or tunnels associated with any abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment and the borough notified thereof in writing.

(B) When the borough plans to pave or improve streets in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if, in the opinion of the borough and Municipal Engineer, their removal is in the best interest of the borough. If the owner shall refuse to remove such abandoned facilities, the borough shall remove the abandoned facilities and the owner shall reimburse the borough for removal.  
(Ord. 270, passed - -2014)

### **' 96.21 NOTICE TO ABUTTING OWNERS AND TENANTS.**

(A) If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the borough may require the permittee to submit a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed. Upon receipt of such list, the borough shall notify the affected property owners and/or tenants of the proposed work to be done.

(B) If the work to be undertaken by a permittee will affect other subsurface installation(s) in the vicinity of the proposed opening, the borough shall notify the owner(s) of such facilities of the proposed work.  
(Ord. 270, passed - -2014)

### **' 96.22 NOTICE TO POLICE AND FIRE AUTHORITIES.**

The borough shall notify, in writing, municipal police and fire authorities of all street opening permits he or she grants of a nature that would require a street being closed. Such notification shall state the nature of the work to be done, the proposed beginning and completion dates and the location of such project.  
(Ord. 270, passed - -2014)

## Streets, Driveways and Curbs

### *CURB CUTS AND DRIVEWAY CONSTRUCTION*

#### ' 96.35 WIDTH OF DRIVEWAYS.

All private driveways hereafter constructed shall be of a width not less than ten feet and the curb shall be curved to the street edge of the footwalk on a radius of one and one-half feet.  
(Ord. 220, passed 8-2-1999)

#### ' 96.36 PERMIT REQUIRED.

Before any private driveway may be constructed, and before any curb cut may be made, a permit shall be obtained from the borough. All driveways shall be laid and curb cuts made according to specifications furnished by the borough at the time the permit is granted.  
(Ord. 220, passed 8-2-1999) Penalty, see ' 96.99

#### ' 96.37 FEE.

The fee for a driveway or curb cut permit shall be fixed pursuant to resolution of the borough.  
(Ord. 220, passed 8-2-1999)

#### ' 96.38 SIDEWALK NOT TO BE DISTURBED.

All paved portions of any sidewalk must not be disturbed, and the height and grade of same must remain the same as before the driveway was constructed. The balance of the pavement shall remain the same height and grade as before the construction of the driveway.  
(Ord. 220, passed 8-2-1999) Penalty, see ' 96.99

#### ' 96.39 GENERAL REQUIREMENTS.

(A) Driveways shall be constructed to satisfactorily control water drainage onto the street and/or the adjoining property owner.

(B) Driveways shall be permitted so long as adequate sight distance permits safe use thereof and undue traffic congestion or interference with normal street traffic would not be created.  
(Ord. 220, passed 8-2-1999)

#### ' 96.40 RECTIFICATION OF IMPROPER WORK.

## **Patterson Heights Borough - General Regulations**

In case any person shall construct a driveway or a curb cut and shall not conform to the requirements of this subchapter, the borough may order such person, firm or corporation to remove the improper work and replace the same in compliance with this subchapter. Notice to remove improper work shall be given by registered or certified mail, and shall state that the person, firm or corporation shall have 30 days from receipt of the notice to comply therewith. Upon noncompliance, the borough may do or cause the requested work to be done and may levy the cost of its work on such owner as a property lien and collected in any manner provided by law.

(Ord. 220, passed 8-2-1999)

### ***CURBS***

#### **' 96.55 REQUIRED.**

All streets and avenues in the borough shall be curbed on both sides in such manner and in accordance with specifications as determined by the Borough Engineer and Council.

(Ord. 160, passed 7-7-1969)

#### **' 96.56 CONTRACT.**

The President and Secretary of Council of the said borough are hereby authorized to enter into a contract in the name of the borough for said work, or for materials or labor connected therewith, with such party or parties and upon such terms as the Council may determine or agree upon; or if the Council by motion so desires, the work or any part thereof shall be done under the supervision of the Street Commissioner.

(Ord. 160, passed 7-7-1969)

#### **' 96.57 COSTS TO BE ASSESSED.**

The entire cost of said curbing shall be assessed against the abutting property owners according to the front foot rule.

(Ord. 160, passed 7-7-1969)

#### **' 96.58 PAYMENT OF ASSESSMENT.**

Any assessment authorized under this subchapter shall be paid in full within 30 days after notice of such assessment shall have been given to the party or parties assessed as provided in the borough.

(Ord. 160, passed 7-7-1969)

## Streets, Driveways and Curbs

### ' 96.59 COLLECTION.

If any assessment authorized under this subchapter shall not have been paid in full within 30 days after notice of such assessment shall have been given to the party or parties, assessed, it shall be the duty of the Borough Solicitor to collect the same, with interest from 30 days after the completion of said curbing, by action of assumpsit or by lien to be filed and collected in the same manner as municipal claims.

(Ord. 160, passed 7-7-1969)

### ' 96.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of ' 10.99.

(B) (1) Any person, firm or corporation who violates a provision of " 96.01 through 96.22 or who fails to comply therewith, or with any of the requirements thereof, shall be upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.

(2) A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of " 96.01 through 96.22 found to have been violated. All fines and penalties for the violation of " 96.01 through 96.22 shall be paid to the Municipal Treasurer.

(3) The borough may also commence appropriate actions in equity, at law or other to prevent, restrain, correct, enjoin or abate violations of " 96.01 through 96.22.

(C) Any person, firm or corporation who shall fail to obtain a permit before constructing a private driveway or making a curb cut shall, upon conviction therefore be sentenced to pay a fine not more than \$600, and in default of payment, to imprisonment for a term not to exceed 30 days. Each day a violation of " 96.35 through 96.40 continues shall constitute a separate offense.

(Ord. 220, passed 8-2-1999; Ord. 270, passed - -2014)

**Patterson Heights Borough - General Regulations**