

**TITLE XV: LAND USAGE**

Chapter

- 150. BUILDING REGULATIONS**
- 151. LANDLORD REGISTRATION**
- 152. FLOODPLAINS**
- 153. FENCES**
- 154. ZONING**

**Patterson Heights Borough - Land Usage**

## CHAPTER 150: BUILDING REGULATIONS

Section

### *Building Codes*

- 150.01 International Property Maintenance Code adopted by reference
- 150.02 Pennsylvania Construction Code Act

### *Building Numbering*

- 150.15 Purpose
- 150.16 Requirement of numbers on buildings
- 150.17 Location and size of numbers
  
- 150.99 Penalty

## ***BUILDING CODES***

### **' 150.01 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.**

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

(B) The following sections are hereby revised.

## Patterson Heights Borough - Land Usage

(1) **Section 101.1.** Insert: Borough of Patterson Heights.

(2) **Section 106.4.** Shall be amended to read: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted with a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) 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 to such imprisonment as provided by the Borough Code. The fine and costs herein provided shall be in addition to the cost of removal. It is further provided that each day that a violation continues after due notice has been served shall be deemed a separate offense.

(3) **Section 302.4.** Insert: ATwelve (12) Inches@ at the end of the first sentence.

(4) **Section 304.14.** Insert: AJune 1 to September 15@ in the first sentence.

(5) **Section 602.3.** Insert: AOctober 1 to May 1@ in the first sentence.

(6) **Section 602.4.** Insert: AOctober 1 to May 1@ in the first sentence.

(Ord. 242, passed - -)

### ' 150.02 PENNSYLVANIA CONSTRUCTION CODE ACT.

(A) The borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. " 7210.101 to 7210.1103, as amended from time to time, and its regulations.

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

(C) Administration and enforcement of the Code within the borough shall be undertaken in any of the following ways as determined by the Borough Council from time to time by resolution:

(1) By the designation of an employee of the borough to serve as the municipal code official to act on behalf of the borough;

(2) By the retention of one or more construction code officials or third-party agencies to act on behalf of the borough;

(3) By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;

(4) By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the borough; and

## **Building Regulations**

(5) By entering into an agreement with the State Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

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

(E) (1) All Building Code ordinances or portions or ordinances which were adopted by the borough on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

(2) All Building Code ordinances or portions of ordinances which are in effect as of the effective date of this section and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

(3) All relevant ordinances, regulations and policies of the borough not governed by the Code shall remain in full force and effect.

(F) Fees assessable by the borough for the administration and enforcement undertaken pursuant to this section and the Code shall be established by the governing body by resolution from time to time. (Ord. 231, passed 6-7-2004)

## ***BUILDING NUMBERING***

### **' 150.15 PURPOSE.**

This subchapter is enacted in the interest of health, safety and welfare of the residents of the borough for the prompt and efficient location of correct addresses in case of emergencies and postal deliveries. (Ord. 240, passed 4-2-2007)

### **' 150.16 REQUIREMENT OF NUMBERS ON BUILDINGS.**

Effective September 1, 2007, all buildings within the borough shall be numbered in accordance with the property=s correct address, and the building numbers shall be displayed on the exterior of the building as set forth herein.

(Ord. 240, passed 4-2-2007) Penalty, see ' 150.99

## Patterson Heights Borough - Land Usage

### ' 150.17 LOCATION AND SIZE OF NUMBERS.

On and after the effective date of this subchapter, all buildings within the borough shall display a building number according to the following location and size.

(A) *Location.* Building numbers shall be displayed on the side of the building facing the street or avenue which is listed as the property address and the numbers shall be displayed so as to be clearly visible from the street or avenue during night-time conditions.

(B) *Size of numbers.* Each number of the building number that is required to be displayed as set forth herein shall be at least three inches wide by five inches high and shall be readily visible from the street or avenue listed as the property address.

(C) *Use of written numbers.* Each number shall be in numeric form. Written or scripted numbers shall not be deemed to satisfy the requirements of this subchapter.  
(Ord. 240, passed 4-2-2007) Penalty, see ' 150.99

### ' 150.99 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) The owner of any property, which fails to comply with " 150.15 through 150.17, after ten days= notice from the borough, shall be subject to a fine of up to \$500 plus costs of prosecution and, in default of payment of such fine and costs, to imprisonment in the county jail for a period not exceeding 30 days.  
(Ord. 240, passed 4-2-2007)

## CHAPTER 151: LANDLORD REGISTRATION

Section

### *General Provisions*

- 151.001 Title
- 151.002 General
- 151.003 Definitions

### *Owner=s Duties*

- 151.015 General
- 151.016 Designation of manager
- 151.017 Disclosure
- 151.018 Maintenance of premises
- 151.019 Rental agreement
- 151.020 Registration
- 151.021 Complaints
- 151.022 Landlord Tenant Act
- 151.023 Common areas
- 151.024 Enforcement
- 151.025 Code violations
- 151.026 Borough can make repairs
- 151.027 Inspections
- 151.028 Smoke alarms
- 151.029 Noncompliance
- 151.030 Tenant registration
- 151.031 Information maintained at the licensed rental unit

### *Occupant Duties*

- 151.045 General
- 151.046 Health and safety regulations
- 151.047 Peaceful enjoyment
- 151.048 Residential use
- 151.049 Illegal activities
- 151.050 Disruptive conduct
- 151.051 Compliance with rental agreement

## **Patterson Heights Borough - Land Usage**

- 151.052 Damage to premises
- 151.053 Inspection of premises
- 151.054 Removal or defacement of notice
- 151.055 Conduct in violation

### ***Licenses and Inspection***

- 151.070 License requirement
- 151.071 Annual license term, fee and occupancy limit
- 151.072 Search warrant

### ***Grounds for Non-Renewal, Suspension or Revocation of License***

- 151.085 General
- 151.086 Options; discipline
- 151.087 Procedure for non-renewal, suspension or revocation of license

### ***Miscellaneous Provisions***

- 151.100 Notices
- 151.101 Changes in ownership occupancy
- 151.102 Owners severally responsible
- 151.103 Confidentiality
- 151.104 Enforcement
- 151.105 Basis for violation
  
- 151.999 Penalty
- Appendix A: Tenant=s covenants and obligations

## ***GENERAL PROVISIONS***

### **' 151.001 TITLE.**

This chapter shall be known as the ABorough of Patterson Heights Landlord Registration Ordinance@.  
(Ord. 246, passed 3-2-2009)

### **' 151.002 GENERAL.**

It is the purpose of this chapter and the policy of the Council of the borough, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners

## Landlord Registration

and occupants relating to the rental of certain residential rental units in the borough and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the borough that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As a means to those ends, this chapter provides for a system of inspections, issuance and renewal of occupancy licenses and sets penalties for violations.

(Ord. 246, passed 3-2-2009)

### ' 151.003 DEFINITIONS.

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

**CODE.** Any code or ordinance adopted, enacted and/or in effect in and for the borough concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or residential rental unit. Included within, but not limited by this definition are the following which are in effect as of the date of the enactment of this chapter: the Uniform Construction Code (hereinafter AUCC@); the International Property Maintenance Code; International Plumbing Code; International Fire Prevention Code; International Electrical Code; the International Building Code, Chapter 152 of this code of ordinances and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

**CODE ENFORCEMENT OFFICER.** The duly appointed Code Enforcement Officer(s) having charge of the office of Code Enforcement of the borough and any assistants or agents.

**COMMON AREA.** Any open area within a structure shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining rooms, attics, basements and any room used for parties, social events or the congregation of people, excepting bedrooms.

**DISRUPTIVE CONDUCT.** Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.

## **Patterson Heights Borough - Land Usage**

***DISRUPTIVE CONDUCT REPORT.*** A written report of disruptive conduct on a form to be prescribed therefor, to be completed by the Code Enforcement Officer or police, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Code Enforcement Officer.

***GUEST.*** A person on the premises with the actual or implied consent of an occupant.

***LANDLORD.*** One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit. (Same as ***OWNER.***)

***LANDLORD TENANT ACT.*** The Landlord and Tenant Act of 1951, 68 P.S. " 250.101 et seq.

***MANAGER.*** An adult individual designated by the owner of a residential rental unit.

***OCCUPANCY LICENSE.*** The license issued to the owner of residential rental units under this chapter, which is required for the lawful rental and occupancy of residential rental units.

***OCCUPANT.*** An individual who resides in a residential rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the commonwealth.

***OWNER.*** One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a residential rental unit.

***OWNER-OCCUPIED RENTAL UNIT.*** A rental unit in which the owner resides on a regular, permanent basis.

***PERSON.*** A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

***POLICE.*** The Police Department of the borough or any properly authorized member or officer thereof or any other law enforcement agency having jurisdiction within the borough.

***PREMISES.*** Any parcel of real property in the borough, including the land and all building and appurtenant structures or appurtenant elements, on which one or more rental units are located.

***RENTAL AGREEMENT.*** A written agreement between owner/landlord and occupant/tenant supplemented by the addendum required under ' 151.019, embodying the terms and conditions concerning the use and occupancy of a specified residential rental unit or premises.

***RESIDENTIAL RENTAL UNIT.*** Any structure within the borough which is occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner

## **Landlord Registration**

of the said parcel of real estate received any value, including, but not limited to, money, or the exchange of services. Each apartment within a building is a separate structure requiring inspection and a license.

**STRUCTURE.** Any human-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Each apartment within a building is a separate structure.

**TENANT.** An individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the commonwealth. (Same as **OCCUPANT**.)

(Ord. 246, passed 3-2-2009)

### **OWNER=S DUTIES**

#### **' 151.015 GENERAL.**

It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable state laws and regulations and local ordinances and to keep such property in good and safe condition. The owner/landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making any and all repairs in and around the premises. As provided for in this chapter, every owner/landlord shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns. As provided for in this chapter, every owner shall also be responsible for regulating the conduct and activities of the occupants of every rental unit which he, she or it owns in the borough, which conduct or activity takes place at such rental unit or its premises. In order to achieve those ends, every owner of a rental unit shall regulate the conduct and activity of the occupants thereof, both contractually and through enforcement, as more fully set forth below. This section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity, nor shall it be construed as an assignment, transfer or projection over or onto any owner of any responsibility or liability which occupants or their guest may have as a result of their conduct or activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant=s conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law. This chapter is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the borough against an owner, occupant or guest thereof.

(Ord. 246, passed 3-2-2009)

#### **' 151.016 DESIGNATION OF MANAGER.**

## **Patterson Heights Borough - Land Usage**

Every owner who is not a full-time resident of the borough, and/or who does not live within 15 miles of the boundaries of the borough, shall designate a manager who shall reside in an area that is within 15 miles from the borough. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the above referenced area. The officer shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside within the above referenced area. Said partner shall perform the same function as a manager. The manager shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this chapter and under rental agreements with occupants. The identity, address and telephone number(s) of a person who is designated as manager hereunder shall be provided by the owner or manager to the borough and such information shall be kept current and updated as it changes.

(Ord. 246, passed 3-2-2009)

### **' 151.017 DISCLOSURE.**

(A) The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy:

- (1) The name, address and telephone number of the manager, if applicable; and
- (2) The name, address and telephone number of the owner of the premises.

(B) Before an occupant initially enters into or renews a rental agreement for a rental unit, the owner or manager shall furnish the occupant with the most recent inspection report relating to the property.

(Ord. 246, passed 3-2-2009)

### **' 151.018 MAINTENANCE OF PREMISES.**

(A) The owner shall maintain the premises in compliance with the applicable codes of the borough and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal and shall promptly make any and all repairs necessary to fulfill this obligation.

(B) The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such an agreement may be entered into between the owner and occupant only if:

(1) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant; and

(2) The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

## Landlord Registration

(C) In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this chapter or other ordinances or codes for maintenance of the premises. (Ord. 246, passed 3-2-2009)

### ' 151.019 RENTAL AGREEMENT.

(A) *Generally.* All disclosures and information required to be given to occupants by the owner shall be furnished at or before the commencement of the landlord tenant relationship. The owner shall provide the occupant with copies of any rental agreement and addendum upon execution.

(B) *Terms and conditions.* Owner and occupant may include in a rental agreement terms and conditions not prohibited by this chapter or other applicable ordinances, regulations and laws, including rent, term of the agreement and other provisions governing the right and obligations of the parties.

(C) *Prohibited provisions.* Except as otherwise provided by this chapter, no rental agreement may provide that the occupant or owner agrees to waive or to forego rights or remedies under this chapter. A provision prohibited by this division (C) included in a rental agreement is unenforceable.

(D) *Provision of summary of chapter to occupant.* Following the effective date of this chapter, a summary hereof in substantially the form set forth in Appendix A, shall be provided to the occupant at or before the commencement of the landlord tenant relationship. If a summary has been provided at or before the commencement of the landlord tenant relationship, a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this chapter, the owner shall provide the occupants with a copy of the summary within 60 days after enactment of this chapter.

(E) *Written acknowledgment.* The owner shall secure a written acknowledgment from occupants that the occupants have received the disclosures and information required by this chapter.

(F) *Lease.* Upon request by the borough, the owner within ten days of the request shall furnish to the borough copies of any lease(s) required by the Landlord Tenant Act, being 68 P.S. " 250.101 through and including 250.602 that the owner has entered into for residential rental units including acknowledgment that the occupants have received the disclosures and information required by this chapter.

(Ord. 246, passed 3-2-2009)

### ' 151.020 REGISTRATION.

Every owner of a residential unit must register the unit with the Code Enforcement Officer in accordance with the following schedule.

(A) All owners of residential units must register the units with the Code Enforcement Officer within 30 days after the effective date of this chapter.

## Patterson Heights Borough - Land Usage

(B) Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer of the borough within 30 days of the completion of the conversion of the of the unit or units or within 30 days of the time when any rent, including the exchange of other services for the unit or units, is obtained or within 30 days of the date within which a tenant or tenants occupies the unit or units, whichever time period is sooner.

(C) It shall be the responsibility of the grantee and the grantee=s agent in the purchase of the said real estate, including the grantee=s attorney or title company, to notify the Code Enforcement Officer of the borough, within 72 hours of any purchase or transfer of a rental unit.

(D) The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten days of any changes of the information set forth below.

(E) All owners of any residential rental unit living outside of the 15-mile limit set forth in ' 151.016 must have a local manager who shall reside within 15 miles of the borough and who shall be available as an emergency contact person.

(F) Registration information shall be provided by all owners and shall include the following:

- (1) Owner name, address, telephone number;
- (2) Local manager name, address, telephone number (an emergency contact person);
- (3) Property address and number of units;
- (4) Maximum occupancy per unit;
- (5) Emergency telephone number;
- (6) Actual number of occupants; and
- (7) Names and addresses of current tenants.

(G) Any owner of a residential rental unit shall notify the Code Enforcement Officer of the borough within ten days of a new tenant occupying, renting or residing in the landlord=s or owner=s residential rental unit.

(H) Notwithstanding any other provisions of this chapter, the names and addresses of a tenant shall not be disclosed by any borough personnel in the event that the tenant is the subject of a court order requiring that this information be kept confidential.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

## Landlord Registration

### ' 151.021 COMPLAINTS.

The owner shall reply promptly to reasonable complaints and inquiries from occupants.  
(Ord. 246, passed 3-2-2009)

### ' 151.022 LANDLORD TENANT ACT.

The owner shall comply with all provisions of the Landlord Tenant Act.  
(Ord. 246, passed 3-2-2009) v

### ' 151.023 COMMON AREAS.

(A) Where an owner of a residential rental unit does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupants and guests in the common areas as if the owner were an occupant.

(B) The failure of the owner to regulate behavior of occupants and guests in the common areas that results in the following shall be a violation of this chapter:

(1) Engaging in fighting, threatening or other violent or tumultuous behavior;

(2) Making unreasonable noise; or

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

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### ' 151.024 ENFORCEMENT.

(A) Within ten days after receipt of written notice from the Code Enforcement Officer that an occupant of a residential rental unit has violated a provision of this chapter, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

(B) Within 20 days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report, on a form provided by the borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

## **Patterson Heights Borough - Land Usage**

(C) The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this chapter.

(D) In the event that a second violation occurs within a license year involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to initiate eviction proceedings against the occupants who violated this chapter in accordance with the Landlord Tenant Act and to not permit the occupant to occupy the premises during the subsequent licensing period. All tenants who have been evicted, if asked, shall advise their new landlord that they have been evicted from a residence for violating the terms and conditions of this chapter.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### **' 151.025 CODE VIOLATIONS.**

Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### **' 151.026 BOROUGH CAN MAKE REPAIRS.**

In case the owner of premises shall neglect, fail or refuse to comply with any notice from the borough or its Code Enforcement Officer to correct a violation relating to maintenance and repair of the premises under any code in effect in the borough within the period of time stated in such notice, the borough may cause the violation to be corrected. There shall be imposed upon the owner a charge of the actual costs involved, plus 10% of said costs for each time the borough shall cause a violation to be corrected and the owner of the premises shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this section are not exclusive and the borough and its Code Enforcement Officer may invoke such other remedies available under this chapter or the applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation; or suspension, revocation or non-renewal of the license issued hereunder.

(Ord. 246, passed 3-2-2009)

### **' 151.027 INSPECTIONS.**

(A) The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice.

## Landlord Registration

(B) The inspections shall be completed as follows.

(1) The Code Enforcement Officer of the borough shall inspect all units once a year and record the inspection on a written inspection report. The inspection report shall be signed and dated by the owner of the residential rental unit or his or her manager and shall in addition be signed by all the tenants named on the lease at the time of the inspection.

(2) Inspections may be made by the Code Officer anytime within the said year.  
(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### ' 151.028 SMOKE ALARMS.

All owners of residential rental units in the borough shall be required within five days of the passage of this chapter to install smoke alarms, regardless of the occupant load at the following locations:

(A) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of the bedrooms;

(B) In each room used for sleeping purposes; and

(C) In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### ' 151.029 NONCOMPLIANCE.

(A) Any parcel of real estate containing a residential rental unit which has been found to be in noncompliance with this chapter shall be subject to re-inspection by the Code Enforcement Officer as follows.

(1) Each residential rental unit referred to above shall be inspected one time each year. A particular residential unit which contains a violation of this chapter shall be re-inspected as set forth above.

(2) In addition, each residential rental unit shall be inspected each time one of the residential rental units is vacant.

(B) In the event of a violation, a residential rental unit cannot be occupied unless and until the unit is approved as meeting the criteria of this chapter and any other applicable codes of the borough as determined by the Enforcement Officer.

### **Patterson Heights Borough - Land Usage**

(C) (1) If after inspection of one or more of the residential rental units as set forth above, the Code Enforcement Officer determines that there are violations of any codes of the borough, the Code Enforcement Officer shall provide a notice of violation which shall at a minimum set forth the following:

- (a) Street address of the property;
- (b) Date of the inspection;
- (c) Name of the inspector; and
- (d) List of violations.

(2) Within ten days after receipt of a written notice from the Borough Code Enforcement Officer that there has been a violation of this section or any other applicable ordinances of the borough, the owner shall take immediate steps to remedy the violation and take steps to assure that there will not be a reoccurrence of the violation.

(3) Within 20 days after receipt of a notice of violation the owner of a residential rental unit shall file with the Code Enforcement Officer a report on a form provided by the borough setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

(4) The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner, on his or her initiative, shall enforce the plan, and failure to do so shall be a violation of this chapter of the borough.

(5) In the event that a second violation occurs within a 12-month period, involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupant or occupants who have violated the ordinance of the borough and to not permit the occupant to occupy the premises during any subsequent period.

(D) If, after a violation as set forth above, a parcel of real estate containing residential rental units has no violations of applicable codes of the borough for a period of two years, said property shall then be deemed to be back in compliance with the terms and conditions of this chapter and shall not then be subject to the inspections set forth in this section until there are other violations.

(E) If a parcel of real estate in noncompliance with the terms and conditions of this chapter or other ordinances of the borough is sold, then the parcel of real estate shall remain in noncompliance until the sooner of the following has occurred:

- (1) The original two-year period with no violations passes with no further violations; or

## Landlord Registration

(2) If 12 months passes after purchase by the new owner with no violations of any ordinances of the borough.

(F) All owners of any real estate containing or upon which are erected any residential rental unit which are in noncompliance with this chapter and who desire to sell the parcel of real estate shall notify the purchasers, in writing, prior to the sale of the parcel of real estate that the parcel of real estate is in noncompliance with the terms and conditions of this chapter. Further, any property owner selling a parcel of real estate upon which is erected a residential rental unit or units which are found to be in noncompliance under the terms and conditions of this chapter shall notify the Code Enforcement Officer, in writing, within 30 days prior to closing on the sale of said parcel of real estate.

(G) All owners of any parcels of real estate containing residential rental units shall permit access to the property so that the Code Enforcement Officer of the borough shall be able to complete all inspections necessary to determine compliance with this chapter and any other applicable ordinances of the borough. Refusal to allow entry of the residential rental unit by the Code Enforcement Officer of the borough to inspect the said unit shall be a violation of this chapter.

(H) For the purpose of enforcing this chapter, the Code Enforcement Officer may seek to obtain a search warrant issued by a competent authority for the purpose of compelling an inspection or otherwise enforcing the terms and conditions of this chapter.

(I) The Code Enforcement Officer may reinspect any property subject to a notice of violation upon expiration of the time to accomplish repairs or upon notice from the owner that the violations have been rectified.

(J) The owner of any property containing or upon which is erected a residential rental unit shall pay a \$100 fee for each and every reinspection to cover the cost of a reinspection each time a reinspection is required under the terms of this chapter or each time a reinspection is requested by the Code Enforcement Officer to determine compliance with this chapter or any other applicable ordinances of the borough. The fee set forth herein may be increased or decreased by a resolution of the Borough Council. (Ord. 246, passed 3-2-2009; Ord. 253, passed - -2010) Penalty, see ' 151.999

### ' 151.030 TENANT REGISTRATION.

(A) All tenants who are renting a residential rental unit or residential rental units in the borough shall within 60 days of the passage of this chapter present to the Code Enforcement Officer of the borough two forms of identification which shall include a state-issued driver=s license or photo identification card and one of the other following forms of identification:

- (1) Passport;
- (2) Birth certificate;

### **Patterson Heights Borough - Land Usage**

- (3) Social Security card; or
- (4) Other government issued identification.

(B) The borough shall not retain a record of the tenant=s Social Security number, if any, driver=s license or photo identification number, date of birth, passport number or country of issuance or similar confidential information but shall review these documents solely to verify identity.

(C) The Borough Code Enforcement Officer shall record the name of the tenant, the landlord=s name, the date of registration, the address of the leased property and the type of identifying information presented (e.g., passport, birth certificate) and shall have the tenant attest in writing that the information provided is true and correct subject to the penalties provided for unsworn falsification to authorities.

(D) If a tenant is unable to present this information in person on account of a disability or infirmity, the Code Enforcement Officer shall provide alternative means to provide this information in order to reasonably accommodate the tenant.

(F) Each time a tenant enters into a new lease, he or she shall register with the borough within ten days of entering into the landlord tenant relationship and/or occupying the premises and provide the information referenced above.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

#### **' 151.031 INFORMATION MAINTAINED AT THE LICENSED RENTAL UNIT.**

The owner shall maintain at the licensed rental unit and provide upon demand the following:

(A) The current license and current inspection report issued by the Code Enforcement Office of the borough;

(B) The addendum to the license application required by this chapter showing the names of the authorized occupants of the residential rental unit;

(C) The total number of persons who may occupy the residential rental unit or units and any common areas located within the rental unit;

(D) A notice of ordinances and statutes applicable to the occupants of the rental unit on a placard provided by the borough; and

(E) The notices required by this section shall be maintained in such a way so as to minimize tampering and removal.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

## **Landlord Registration**

### ***OCCUPANT DUTIES***

#### **' 151.045 GENERAL.**

The occupant shall comply with all obligations imposed upon occupants by this chapter, all applicable codes and ordinances of the borough and all applicable provisions of state law.  
(Ord. 246, passed 3-2-2009)

#### **' 151.046 HEALTH AND SAFETY REGULATIONS.**

(A) The maximum number of persons permitted in any rental unit at any time shall exceed one person for each 40 square feet of habitable floor space in said rental unit.

(B) The occupant shall deposit all rubbish, garbage and other waste from his or her rental unit into containers provided by the owner or landlord in a clean and safe manner and shall separate and place for collection all recyclable materials, in compliance with the recycling plan submitted by the owner to the borough or if there is no recycling plan for the premises, then in compliance with " 90.060 through 90.071 of this code of ordinances and all other applicable ordinances, laws and regulations.  
(Ord. 246, passed 3-2-2009)

#### **' 151.047 PEACEFUL ENJOYMENT.**

The occupant shall conduct himself or herself and require other persons including, but not limited to, guests on the premises and within his or her rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying same.  
(Ord. 246, passed 3-2-2009)

#### **' 151.048 RESIDENTIAL USE.**

The occupant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.  
(Ord. 246, passed 3-2-2009)

#### **' 151.049 ILLEGAL ACTIVITIES.**

## **Patterson Heights Borough - Land Usage**

The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. " 101 et seq.) or Liquor Code (47 P.S. " 1-101 et seq.) or the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. " 780-101 et seq.).

(Ord. 246, passed 3-2-2009)

### **' 151.050 DISRUPTIVE CONDUCT.**

(A) The occupant shall not engage in, nor tolerate, nor permit others on the premises to engage in, disruptive conduct or other violations of this chapter.

(B) When police or the Code Enforcement Officer investigate an alleged incident of disruptive conduct, he or she shall complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute disruptive conduct as defined herein. The information filled in on said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the police make such investigation, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within three working days of the occurrence of the alleged disruptive conduct, whether the person making the investigation on behalf of the borough is the Code Enforcement Officer or police.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### **' 151.051 COMPLIANCE WITH RENTAL AGREEMENT.**

The occupant shall comply with all, lawful provisions of the rental agreement entered into between owner and occupant. Failure to comply may result in the eviction of the occupant by the owner.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### **' 151.052 DAMAGE TO PREMISES.**

The occupant shall not intentionally cause, nor permit or tolerate others to cause, damage to the premises. Conduct which results in damages in excess of \$500 shall be considered a violation of this chapter.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### **' 151.053 INSPECTION OF PREMISES.**

The occupant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice.

## **Landlord Registration**

(Ord. 246, passed 3-2-2009)

### **' 151.054 REMOVAL OR DEFAACEMENT OF NOTICE.**

It shall be a violation of this chapter for any person to remove or deface any notice or document required to be posted within a rental unit and it shall be unlawful for any person to occupy the rental unit unless all notices and documents are posted as required.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### **' 151.055 CONDUCT IN VIOLATION.**

It shall be a violation of this chapter for any occupant or any other person to engage in disruptive conduct as defined by this chapter.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

## ***LICENSES AND INSPECTION***

### **' 151.070 LICENSE REQUIREMENT.**

(A) As a prerequisite to entering into a rental agreement or permitting the occupancy of any rental unit (except as provided in division (C) below), the owner of every such rental unit shall be required to apply for and obtain a license for each rental unit.

(B) A license shall be required for all residential rental units.

(C) The following categories of rental properties shall not require licenses, and shall not, therefor, be subject to the permitting provision of this chapter:

(1) Owner-occupied dwelling units; provided, that not more than two unrelated individuals, in addition to the immediate members of the owner=s family, occupy the dwelling unit at any given time;

(2) Hotels and motels;

(3) Hospitals and nursing homes; and

(4) Bed and breakfast units as defined in Chapter 154 of this code of ordinances.

(D) The application for the license shall be in a form as determined by the borough.

## **Patterson Heights Borough - Land Usage**

(E) The owner shall maintain a current and accurate list of the occupants in each rental unit which shall include their name, and current telephone number which shall be available to the borough for inspection upon reasonable notice. The owner shall notify the borough of changes in the occupancy or of contact information within ten days of the change and shall provide the name of the person who is no longer residing in the premises in the event a person departs and the name, current address and current telephone number of new occupants in the event a new person is added.

(F) The owner shall furnish with his or her application for a license a floor plan, drawn to scale, with the measurements of each room within the residential rental unit. The owner shall submit the scale drawing only with the first application submitted after the enactment of this chapter. In the event that there are changes to the floor plan, the owner shall submit a revised floor plan with the application first submitted after the changes to the floor plan were made.

(G) In the event that a license is denied by the Code Officer, the owner shall have the right to appeal to the Borough Council within 30 days of mailing of the notice of denial of the application. The hearing before the Borough Council shall be governed by the Local Agency Law which shall be found in Title 2 of the Pennsylvania Statutes and Consolidated Statutes Annotated, specifically as found in ' 105 entitled ALocal Agency Law@ and all provisions therefrom.

(Ord. 246, passed 3-2-2009)

### **' 151.071 ANNUAL LICENSE TERM, FEE AND OCCUPANCY LIMIT.**

(A) Each license shall have an annual term running from January 1 of a particular year through December 31 of that next year.

(B) (1) Upon application for a license prior to issuance or renewal thereof, each owner/applicant shall pay to the borough an annual license and inspection fee, in an amount of \$125 for each one-family residential rental unit/apartment and \$150 for each two-family residential rental unit/apartment.

(2) The said fee shall be paid by January 10 of each year.

(C) The license shall indicate thereon the maximum number of occupants in each rental unit.

(D) No license shall be issued if the owner has not paid any fines and costs arising from enforcement of this chapter or any of the ordinances of the borough relating to land use and/or code enforcement or if any licensing fees under this chapter are due and owing the borough.

(Ord. 246, passed 3-2-2009; Ord. 253, passed - -2010; Ord. 280, passed 3-21-2018)

### **' 151.072 SEARCH WARRANT.**

Upon a showing of cause that a violation of this chapter or any other ordinance of the borough has occurred, the Code Enforcement Officer may apply to the District Justice having jurisdiction in the borough for the search warrant to enter and inspect the premises.

## Landlord Registration

(Ord. 246, passed 3-2-2009)

### ***GROUNDNS FOR NON-RENEWAL, SUSPENSION OR REVOCATION OF LICENSE***

#### **' 151.085 GENERAL.**

The Code Enforcement Officer may initiate disciplinary action against an owner that may result in a formal warning, non-renewal, suspension or revocation of the owner=s license for violating any provision of this chapter that imposes a duty upon the owner and/or for failing to regulate the breach by occupants as provided for herein.

(Ord. 246, passed 3-2-2009)

#### **' 151.086 OPTIONS; DISCIPLINE.**

(A) *Definition of options.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***FORMAL WARNING.*** Formal written notification of at least one violation of this chapter. Upon satisfactory compliance with this chapter and any conditions imposed by the Code Enforcement Officer and/or the Borough Council, the formal warning shall be removed when the owner applies for license renewal at a time set by the Code Enforcement Officer or by the Council of the borough.

***NON-RENEWAL.*** The denial of the privilege to apply for license renewal after expiration of the license term. The borough will permit the owner to maintain occupants in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer or by the Council of the borough.

***REVOCATION.*** The immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or the Borough Council and the loss of the privilege to apply for renewal of the license at the expiration of the time period. Upon the loss of the privilege to rent, the owner shall take immediate steps to evict the occupants.

***SUSPENSION.*** The immediate loss of the privilege to rent residential rental units for a period of time set by the Code Enforcement Officer or Borough Council. The owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the owner=s privilege to apply for a license should be reinstated. Upon suspension, the owner shall take immediate steps to evict the occupants.

(B) *Criteria for applying discipline.* The Code Enforcement Officer, when recommending discipline, and the Borough Council, when applying discipline, shall consider the following:

- (1) The effect of the violation on the health, safety and welfare the occupants of the residential

**Patterson Heights Borough - Land Usage**

rental unit and other residents of the premises;

(2) The effect of the violation on the neighborhood;

(3) Whether owner has prior violations of this chapter and other ordinances of the borough or has received notices of violations as provided for in this chapter;

(4) Whether the owner has been subject to disciplinary proceedings under this chapter;

(5) The effect of disciplinary action on the occupants;

(6) The action taken by the owner to remedy the violation and to prevent future violations, including any written plan submitted by the owner;

(7) The policies and lease language employed by the owner to manage the rental unit to enable the owner to comply with the provisions of this chapter; and

(8) In addition to applying discipline as set forth above, the Code Enforcement Officer may recommend and Borough Council may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this chapter.

(C) *Grounds for imposing discipline.* Any of the following may subject an owner to discipline as provided for in this chapter:

(1) Failure to abate a violation of borough codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer;

(2) Refusal to permit the inspection of the premises by the Code Enforcement Officer as required by this chapter;

(3) Failure to take steps to remedy and prevent violations of this chapter by occupants of residential rental units as required by this chapter;

(4) Failure to file and implement an approved plan to remedy and prevent violations of this chapter by occupants of the rental unit as required by this chapter;

(5) Failure to evict occupants after having been directed to do so by the Code Enforcement Officer of the borough as provided for in this chapter; and

(6) Three violations of this chapter or other ordinances of the borough that apply to the premises within a license term. For purposes of this chapter, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this section, the owner must have received notice in writing of this violation within 30 days after the Code Enforcement Officer received notice of the violation.

(Ord. 246, passed 3-2-2009)

## Landlord Registration

### ' 151.087 PROCEDURE FOR NON-RENEWAL, SUSPENSION OR REVOCATION OF LICENSE.

#### (A) *Notification.*

(1) Following a determination that grounds for non-renewal, suspension or revocation of a license exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor.

(2) Such notification shall be in writing, addressed to the owner in question and shall contain the following information:

(a) The address of the premises in question and identification of the particular residential rental unit(s) affected;

(b) A description of the violation which has been found to exist;

(c) A statement that the license for said residential rental unit(s) shall be either suspended or revoked, or will not be renewed for the next license year beginning January of that year, or that the owner will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence and in the case of a suspension shall also state the duration of said suspension;

(d) A statement that, due to the non-renewal, suspension or revocation (as the case may be), the owner or any person acting on his, her or its behalf is prohibited from renting, leasing or permitting occupancy of the dwelling unit(s) from and during the period said action is in effect;

(e) A statement informing the owner that he, she or it has a right to appeal the decision suspending, revoking or declining to renew the license to Borough Council, by submitting in writing to the Borough Secretary, within 30 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned, and a statement of relief requested by the appellant. Such notice of appeal shall be required to be submitted on a form to be prescribed therefor by Borough Council, and signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established, from time to time, by resolution of Borough Council;

(f) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Borough Secretary shall schedule a hearing to be held at the time and date of the next regularly scheduled Borough Council meeting not less than ten days from the date on which the appeal is filed;

(g) The appellant, the Code Enforcement Officer and the owners of properties within a radius of 300 feet from the premises for which the license is at issue shall receive written notice of the

## Patterson Heights Borough - Land Usage

hearing on the appeal; and

(h) Borough Council shall hold a hearing on the appeal which shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. " 751 et seq. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties the Borough Council shall make a decision either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken. Such decision shall be rendered at a public meeting either immediately following the hearing or within 30 days thereafter. The decision shall be reduced to writing, stating clearly the factual and legal basis for the decision, within 45 days after the hearing. If the Council of the borough deems it necessary or desirable, it may continue the hearing to a subsequent time and date not later than 30 days from the initial hearing and in, such case, the time limits for rendering the decision and reducing it to writing set forth herein shall be calculated from the last hearing date (at which the substance of the decision is orally announced).

### (B) *Delivery of notification.*

(1) All notices shall be sent to the owner and manager, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked *Aunclaimed@* or *Arefused@*, then the Code Enforcement Officer shall attempt delivery by personal service on the owner or manager, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.

(2) (a) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner or manager at the addresses stated on the most current license application for the premises in question, by regular first-class mail, postage prepaid.

(b) If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail, and all time periods set forth above shall thereupon be calculated from said fifth day.

### (C) *Nonexclusive remedies.*

(1) The penalty provisions of this chapter and the license non-renewal, suspension and revocation procedures provided in this chapter shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the borough as may be deemed appropriate for carrying out the purposes of this chapter.

(2) The remedies and procedures provided in this chapter for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the borough in the case of a violation of any other code or ordinance of the borough, whether or not such other code or ordinance is referenced in this chapter and whether or not an on-going violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this chapter.

(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

## Landlord Registration

### *MISCELLANEOUS PROVISIONS*

#### ' 151.100 NOTICES.

For purposes of this chapter, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.

(A) There shall be a rebuttable presumption that any notice required to be given to the owner under this chapter shall have been received by such owner if the notice was given to the owner in the manner provided by this chapter.

(B) A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this chapter.

(Ord. 246, passed 3-2-2009)

#### ' 151.101 CHANGES IN OWNERSHIP OCCUPANCY.

It shall be the duty of each owner of a residential rental unit to notify the Code Enforcement Officer, in writing, of any change in ownership of the premises or of the number of residential rental units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any rental unit or of the changing of a rental unit from owner occupied to non-owner occupied, which thereby transforms the dwelling into a residential rental unit for purposes of this chapter.

(Ord. 246, passed 3-2-2009)

#### ' 151.102 OWNERS SEVERALLY RESPONSIBLE.

If any rental unit is owned by more than one person, in any form of joint tenancy, as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this chapter and shall be severally subject to prosecution for the violation of this chapter.

(Ord. 246, passed 3-2-2009)

#### ' 151.103 CONFIDENTIALITY.

All registration and contact information shall be maintained in a confidential manner by the Code Enforcement Officer and shall only be utilized for the purpose of enforcement of this chapter by the Code Enforcement Officer and Borough Secretary.

## Patterson Heights Borough - Land Usage

(Ord. 246, passed 3-2-2009)

### ' 151.104 ENFORCEMENT.

This chapter shall be enforced by the Code Enforcement Officer of the borough.  
(Ord. 246, passed 3-2-2009)

### ' 151.105 BASIS FOR VIOLATION.

It shall be unlawful for any person, as either owner or manager of a residential rental unit for which a license is required, to operate without a valid, current license issued by the borough authorizing such operation. It shall also be unlawful for any person, either owner or manager, to allow the number of occupants of a residential rental unit to exceed the maximum limit as set forth on the license, or to violate any other provision of this section, it shall be unlawful for any occupant to violate this section.  
(Ord. 246, passed 3-2-2009) Penalty, see ' 151.999

### ' 151.999 PENALTY.

(A) Any landlord or owner of a residential unit which violates any of the provisions of ' 151.020 together with all of the divisions thereunder shall upon conviction thereof be sentenced to pay a fine of \$500 for each and every offense. Each day of the said violation shall be a separate offense.

(B) Any landlord or owner of a residential rental unit which violates any of the provisions of " 151.027, 151.028, 151.029, 151.030 and 151.031 shall incur the following penalties:

(1) *For the first offense.* Any owner or landlord violating any of the above listed sections shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of \$100 for each and every offense. Each day of the said violation shall be a separate offense;

(2) *For the second offense.* Any owner or landlord violating any of the above listed sections shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of \$300 for each and every offense. Each day of the said violation shall be a separate offense; and

(3) *For the third offense.* Any owner or landlord violating any of the above listed sections shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of \$500 for each and every offense or shall be imprisoned for a period not to exceed 90 days or both. Each day of the said violation shall be a separate offense.

(C) (1) Any occupant of a residential rental unit who violates any of the provisions of ' 151.045 through 151.055 shall incur the following penalties:

(a) For the first offense, he or she shall pay the sum of \$100 for each and every offense;

**Landlord Registration**

**Patterson Heights Borough - Land Usage**

and (b) For the second offense, he or she shall pay the sum of \$300 for each and every offense;

(c) For the third offense, he or she shall pay the sum of \$500 for each and every offense.

(2) Each day of said violation shall be a separate offense.

(D) Fines as imposed through this chapter shall be collected as allowable by law.

(E) Each day during which any owner of a residential rental unit violates any provision of this chapter shall constitute a separate offense.

(F) This chapter and the foregoing penalties shall not be construed to limit or deny the right of the borough or its agents or representatives to such equitable or other remedies as may otherwise be available with or without process of law.

(G) In addition to the fines set forth herein, the borough shall be entitled to reasonable attorney fees incurred in enforcing this chapter. The said fees shall be added to any penalties set forth above.

(H) The owner of all residential rental units in the borough shall have the responsibility of making sure that all occupants within their rental units comply with and abide by this chapter of the borough.  
(Ord. 246, passed 3-2-2009)

## Landlord Registration

## APPENDIX A: TENANT'S COVENANTS AND OBLIGATIONS

1. Tenant shall comply with all applicable codes and ordinances of the Borough of Patterson Heights and all applicable state laws.
2. Tenant agrees that the maximum number of persons permitted within the residential rental unit at any time shall be \_\_\_\_\_ and the maximum number of persons permitted within the common areas of the leased premises at any time shall be \_\_\_\_\_.
3. Tenant shall deposit all rubbish, garbage and other waste from the leased premises into containers provided by the owner or landlord in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with the recycling plan submitted by the owner to the borough under " " 90.060 through 90.071 of this code of ordinances or if there is no recycling plan for the premises, then in compliance with Patterson Heights= Ordinance and all other applicable ordinances, laws and regulations.
4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall tenant permit others on the premises to engage in such conduct.
5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.
6. Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear.
7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in ***DISRUPTIVE CONDUCT*** which is defined as any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely, offensive, riotous or that otherwise, unreasonably disturbs other persons in their peaceful enjoyment of their premises such that a report is made to the police and/or to the Code Enforcement Officer. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.
8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Residential Rental Unit Occupancy Ordinance of the Borough of Patterson Heights (Chapter 151 of this code of

**Appendix A: Tenant=s Covenants and Obligations**

ordinances) and that the issuance by any municipal officer of the Borough of Patterson Heights of a certificate of noncompliance with said ordinance relating to the leased premises shall constitute a breach of the rental agreement of which this addendum is an ordinance. Upon such breach, landlord shall have the right and option to pursue any and all of the following remedies:

- a. Termination of the rental agreement without prior notice;
- b. Bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney fees and costs;
- c. Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney=s fees and costs;
- d. Bring an action for damages caused by tenant=s breach, including reasonable attorney fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

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Tenant

## CHAPTER 152: FLOODPLAINS

### Section

#### *General Provisions*

- 152.001 Statutory authorization
- 152.002 Intent
- 152.003 Applicability
- 152.004 Abrogation and greater restriction
- 152.005 Severability
- 152.006 Warning and disclaimer of liability

#### *Administration*

- 152.020 Designation of Floodplain Administrator
- 152.021 Permits required
- 152.022 Duties and responsibilities of Floodplain Administrator
- 152.023 Application procedures and requirements
- 152.024 Review of application by others
- 152.025 Changes
- 152.026 Placards
- 152.027 Start of construction
- 152.028 Enforcement; notices
- 152.029 Appeals

#### *Identification of Floodplain Areas*

- 152.040 Identification
- 152.041 Description and special requirements of identified floodplain areas
- 152.042 Changes in identification of area
- 152.043 Boundary disputes
- 152.044 Jurisdictional boundary changes

#### *Technical Provisions*

- 152.055 General
- 152.056 Elevation and floodproofing requirements
- 152.057 Design and construction standards

## **Floodplains**

- 152.058 Development which may endanger human life
- 152.059 Special requirements for subdivisions and development
- 152.060 Special requirements for manufactured homes
- 152.061 Special requirements for recreational vehicles

### *Activities Requiring Special Permits*

- 152.075 General
- 152.076 Application requirements for special permits
- 152.077 Application review procedures
- 152.078 Special technical requirements

### *Existing Structures in Identified Floodplain Areas*

- 152.090 Existing structures
- 152.091 Improvements

### *Variances*

- 152.105 General
- 152.106 Variance procedures and conditions

### *Definitions*

- 152.120 General
- 152.121 Specific definitions
  
- 152.999 Penalty

## **GENERAL PROVISIONS**

### **' 152.001 STATUTORY AUTHORIZATION.**

The Legislature of the commonwealth has, by the passage of the Pennsylvania Floodplain Management Act of 1978, being 32 P.S. " 67.101 et seq., delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety and the general welfare of its citizenry. Therefore, the Council of the borough does hereby order as follows.  
(Ord. 275, passed 7-15-2015)

## **Patterson Heights Borough - Land Usage**

### **' 152.002 INTENT.**

The intent of this chapter is to:

(A) Promote the general health, welfare and safety of the community;

(B) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;

(C) Minimize danger to public health by protecting water supply and natural drainage;

(D) Reduce financial burdens imposed on the community, its governmental units and its residents, by preventing excessive development in areas subject to flooding; and

(E) Comply with federal and state floodplain management requirements.  
(Ord. 275, passed 7-15-2015)

### **' 152.003 APPLICABILITY.**

(A) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the borough unless a permit has been obtained from the Floodplain Administrator.

(B) A permit shall not be required for minor repairs to existing buildings or structures.  
(Ord. 275, passed 7-15-2015) Penalty, see ' 152.999

### **' 152.004 ABROGATION AND GREATER RESTRICTION.**

This chapter supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

(Ord. 275, passed 7-15-2015)

### **' 152.005 SEVERABILITY.**

If any section, division, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the chapter, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

(Ord. 275, passed 7-15-2015)

## Floodplains

### ' 152.006 WARNING AND DISCLAIMER OF LIABILITY.

(A) (1) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study.

(2) Larger floods may occur or flood heights may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris.

(3) This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

(B) This chapter shall not create liability on the part of the borough or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 275, passed 7-15-2015)

## *ADMINISTRATION*

### ' 152.020 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

(A) The Borough Secretary is hereby appointed to administer and enforce this chapter and is referred to herein as the Floodplain Administrator.

(B) The Floodplain Administrator may:

(1) Fulfill the duties and responsibilities set forth in these regulations;

(2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors and other employees; or

(3) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

(C) Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the national flood insurance program as set forth in the Code of Federal Regulations at 44 C.F.R. ' 59.22.

(D) In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Mayor.

(Ord. 275, passed 7-15-2015)

## **Patterson Heights Borough - Land Usage**

### **' 152.021 PERMITS REQUIRED.**

A permit shall be required before any construction or development is undertaken within any area of the borough.

(Ord. 275, passed 7-15-2015)

### **' 152.022 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.**

(A) The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(B) Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended), being 35 P.S. " 750.1 to 750.20a; the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended), being 32 P.S. " 693.1 to 693.27; the Pennsylvania Clean Streams Act (Act 1937-394, as amended), being 35 P.S. " 691.1 to 691.1001; and the U.S. Clean Water Act, ' 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

(C) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He or she shall make as many inspections during and upon completion of the work as are necessary.

(D) In the discharge of his or her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.

(E) In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Council for whatever action it considers necessary.

(F) The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this chapter including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

(G) The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the national flood insurance program.

(H) The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in this chapter as the Floodplain Administrator/Manager.

## Floodplains

(I) The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or the latest edition thereof adopted by the state.  
(Ord. 275, passed 7-15-2015)

### ' 152.023 APPLICATION PROCEDURES AND REQUIREMENTS.

(A) (1) Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the borough.

(2) Such application shall contain the following:

(a) Name and address of applicant;

(b) Name and address of owner of land on which proposed construction is to occur;

(c) Name and address of contractor;

(d) Site location including address;

(e) Listing of other permits required;

(f) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate; and

(g) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(B) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards;

(4) Structures will be anchored to prevent floatation, collapse or lateral movement;

### **Patterson Heights Borough - Land Usage**

(5) Building materials are flood-resistant;

(6) Appropriate practices that minimize flood damage have been used; and

(7) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities have been designed and located to prevent water entry or accumulation.

(C) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

(1) A completed permit application form;

(2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(a) North arrow, scale and date;

(b) Topographic contour lines, if available;

(c) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and development;

(d) The location of all existing streets, drives and other accessways; and

(e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

(b) The elevation of the base flood; and

(c) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2015 IRC or latest edition thereof adopted by the state.

(4) The following data and documentation:

(a) Detailed information concerning any proposed floodproofing measures and corresponding elevations;

## Floodplains

(b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;

(c) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within floodway area (see ' 152.041(A)) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point;

(d) 1. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

2. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

(e) Detailed information needed to determine compliance with " 152.057(F) and 152.058, including:

1. The amount, location and purpose of any materials or substances referred to in " 152.057(F) and 152.058 which are intended to be used, produced, stored or otherwise maintained on site; and

2. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in ' 152.058 during a base flood.

(f) The appropriate component of the Department of Environmental Protection=*s Planning Module for Land Development*; and

(g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

(D) Applications for permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator. (Ord. 275, passed 7-15-2015)

### **' 152.024 REVIEW OF APPLICATION BY OTHERS.**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., Planning Commission, Municipal Engineer and the like) for review and comment.

(Ord. 275, passed 7-15-2015)

## Patterson Heights Borough - Land Usage

### ' 152.025 CHANGES.

After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

(Ord. 275, passed 7-15-2015)

### ' 152.026 PLACARDS.

In addition to the permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance and be signed by the Floodplain Administrator.

(Ord. 275, passed 7-15-2015)

### ' 152.027 START OF CONSTRUCTION.

(A) Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

(B) The **ACTUAL START OF CONSTRUCTION** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(C) Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the chapter and FIRM/FIS in effect at the time the extension is granted.

(Ord. 275, passed 7-15-2015)

## Floodplains

### ' 152.028 ENFORCEMENT; NOTICES.

(A) Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided.

(B) Such notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires;

(4) Be served upon the property owner or his or her agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; and

(5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this chapter.

(Ord. 275, passed 7-15-2015)

### ' 152.029 APPEALS.

(A) (1) Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this chapter, may appeal to the County Court of Common Pleas.

(2) Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.

(B) Upon receipt of such appeal the County Court of Common Pleas shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.

(C) Any person aggrieved by any decision of the County Court of Common Pleas may seek relief therefrom by appeal to court, as provided by the laws of this state including the Pennsylvania Floodplain Management Act, being 32 P.S. " 679.101 et seq.

(Ord. 275, passed 7-15-2015)

## Patterson Heights Borough - Land Usage

### *IDENTIFICATION OF FLOODPLAIN AREAS*

#### ' 152.040 IDENTIFICATION.

The identified floodplain area shall be:

(A) Any areas of Borough of Patterson Heights, classified as special flood hazard areas (SFHAs) in the flood insurance study (FIS) and the accompanying flood insurance rate maps (FIRMs) dated August 17, 2015 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the flood insurance study; and

(B) The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by borough and declared to be a part of this chapter.  
(Ord. 275, passed 7-15-2015)

#### ' 152.041 DESCRIPTION AND SPECIAL REQUIREMENTS OF IDENTIFIED FLOODPLAIN AREAS.

The identified floodplain area shall consist of the following specific areas.

(A) The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special flood hazard areas where no floodway has been identified in the FIS and FIRM.

(1) Within any floodway area, no encroachments, including fill, new construction, substantial improvements or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

(B) (1) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

(2) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

## **Floodplains**

(C) (1) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

(2) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and the like shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

(Ord. 275, passed 7-15-2015)

### **' 152.042 CHANGES IN IDENTIFICATION OF AREA.**

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See ' 152.055(B) for situations where FEMA notification is required.

(Ord. 275, passed 7-15-2015)

### **' 152.043 BOUNDARY DISPUTES.**

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator and any party aggrieved by this decision or determination may appeal to the Council. The burden of proof shall be on the appellant.

(Ord. 275, passed 7-15-2015)

### **' 152.044 JURISDICTIONAL BOUNDARY CHANGES.**

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 C.F.R. part 60.3.

(Ord. 275, passed 7-15-2015)

## ***TECHNICAL PROVISIONS***

**Patterson Heights Borough - Land Usage****' 152.055 GENERAL.***(A) Alteration or relocation of watercourse.*

(1) No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

(2) No encroachment, alteration or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

(3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

*(B) Encroachments.*

(1) When the borough proposes to permit the following encroachments:

(a) Any development that causes a rise in the base flood elevations within the floodway;

(b) Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or

(c) Alteration or relocation of a stream (including but not limited to installing culverts and bridges); then

(2) The applicant shall (as per 44 C.F.R. ' 65.12):

(a) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur;

(b) Upon receipt of the Administrator=s conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition; and

(c) Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 C.F.R. part 67.

*(C) New construction, development, uses or activities. Any new construction, development, uses or*

## Floodplains

activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.  
(Ord. 275, passed 7-15-2015)

### ' 152.056 ELEVATION AND FLOODPROOFING REQUIREMENTS.

#### (A) *Residential structures.*

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

(2) In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with ' 152.041(C).

(3) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest edition thereof adopted by the state, and ASCE 24 and 34 Pa. Code Chapters 401 through 405, as amended shall be utilized, where they are more restrictive.

#### (B) *Nonresidential structures.*

(1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

(a) Is floodproofed so that the structure is water-tight with walls substantially impermeable to the passage of water; and

(b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

(2) In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with ' 152.041(C).

## Patterson Heights Borough - Land Usage

(3) Any nonresidential structure, or part thereof, made water-tight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled *Floodproofing Regulations* published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(4) The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2015 International Residential Code (IRC) or the latest edition thereof adopted by the state, and ASCE 24 and 34 Pa. Code Chapters 401 through 405, as amended, shall be utilized, where they are more restrictive.

(C) *Space below the lowest floor.*

(1) Basements are prohibited.

(2) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term Fully enclosed space also includes crawl spaces.

(3) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(D) *Historic structures.* Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this chapter, must comply with all chapter requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific chapter requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from chapter requirements will be the minimum necessary to preserve the historic character and design of the structure.

(E) *Accessory structures.* Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements.

## Floodplains

(1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material and equipment related to the principal use or activity.

(2) Floor area shall not exceed 200 square feet.

(3) The structure will have a low damage potential.

(4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

(5) Power lines, wiring and outlets will be elevated to the regulatory flood elevation.

(6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers and the like are prohibited.

(7) Sanitary facilities are prohibited.

(8) The structure shall be adequately anchored to prevent flotation, collapse and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space;

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers and the like or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(Ord. 275, passed 7-15-2015)

### ' 152.057 DESIGN AND CONSTRUCTION STANDARDS.

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area.

(A) *Fill*. If fill is used, it shall:

(1) Extend laterally at least 15 feet beyond the building line from all points;

(2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;

## Patterson Heights Borough - Land Usage

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

(4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

(5) Be used to the extent to which it does not adversely affect adjacent properties.

(B) *Drainage facilities.* Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(C) *Water and sanitary sewer facilities and systems.*

(1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(4) The design and construction provisions of the UCC and FEMA #348, *Protecting Building Utilities From Flood Damages* and *The International Private Sewage Disposal Code* shall be utilized.

(D) *Other utilities.* All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(E) *Streets.* The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.

(F) *Storage.* All materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life, and not listed in ' 152.058, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.

(G) *Placement of buildings and structures.* All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(H) *Anchoring.*

## Floodplains

(1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.

(2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

### (I) *Floors, walls and ceilings.*

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a *Amarine@* or *Awater-resistant@* variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are *Awater-resistant@* and will withstand inundation.

(4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other *Awater-resistant@* material.

### (J) *Paints and adhesives.*

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of *Amarine@* or *Awater-resistant@* quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a *Amarine@* or *Awater-resistant@* variety.

(3) All wooden components (doors, trim, cabinets and the like) used at or below the regulatory flood elevation shall be finished with a *Amarine@* or *Awater-resistant@* paint or other finishing material.

### (K) *Electrical components.*

(1) Electrical distribution panels shall be at least three feet above the base flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(L) *Equipment.* Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

### (M) *Fuel supply systems.*

(1) All gas and oil supply systems shall be designed to prevent the infiltration of flood waters

## Patterson Heights Borough - Land Usage

into the system and discharges from the system into flood waters.

(2) Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(N) *Uniform Construction Code coordination.* The standards and specifications contained in 34 Pa. Code Chapters 401 through 405, as amended and not limited to the following provisions shall apply to the above and other sections and divisions of this chapter, to the extent that they are more restrictive and supplement the requirements of this chapter:

(1) International Building Code (IBC) 2009 or the latest edition thereof adopted by the state: " 801, 1202, 1403, 1603, 1605, 1612, 3402 and Appendix G; and

(2) International Residential Building Code (IRC) 2015 or the latest edition thereof adopted by the state: " R104, R105, R109, R322, Appendix E and Appendix J.  
(Ord. 275, passed 7-15-2015)

### ' 152.058 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.

(A) (1) In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

(a) Will be used for the production or storage of any of the following dangerous materials or substances;

(b) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or

(c) Will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions.

(2) The following list of materials and substances are considered dangerous to human life:

(a) Acetone;

(b) Ammonia;

(c) Benzene;

(d) Calcium carbide;

(e) Carbon disulfide;

## Floodplains

- (f) Celluloid;
- (g) Chlorine;
- (h) Hydrochloric acid;
- (i) Hydrocyanic acid;
- (j) Magnesium;
- (k) Nitric acid and oxides of nitrogen;
- (l) Petroleum products (gasoline, fuel oil and the like);
- (m) Phosphorus;
- (n) Potassium;
- (o) Sodium;
- (p) Sulphur and sulphur products;
- (q) Pesticides (including insecticides, fungicides and rodenticides); and
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

(B) Within any floodway area, any structure of the kind described in division (A) above, shall be prohibited. Where permitted within any identified floodplain area, any new or substantially improved residential structure of the kind described in division (A) above, shall be elevated to remain completely dry up to at least one and one-half feet above base flood elevation and built in accordance with " 152.055, 152.056 and 152.057.

(C) (1) Where permitted within any identified floodplain area, any new or substantially improved nonresidential structure of the kind described in division (A) above, shall be built in accordance with " 152.055, 152.056 and 152.057 including:

(a) Elevated, or designed and constructed to remain completely dry up to at least one and one-half feet above base flood elevation; and

(b) Designed to prevent pollution from the structure or activity during the course of a base flood.

## Patterson Heights Borough - Land Usage

(2) Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication *Floodproofing Regulations* (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent water-tight standard.  
(Ord. 275, passed 7-15-2015)

### ' 152.059 SPECIAL REQUIREMENTS FOR SUBDIVISIONS AND DEVELOPMENT.

All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in identified floodplain areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a conditional letter of map revision and letter of map revision. Submittal requirements and processing fees shall be the responsibility of the applicant.  
(Ord. 275, passed 7-15-2015)

### ' 152.060 SPECIAL REQUIREMENTS FOR MANUFACTURED HOMES.

(A) Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:

- (1) Placed on a permanent foundation;
- (2) Elevated so that the lowest floor of the manufactured home is at least one and one-half feet above base flood elevation; and
- (3) Anchored to resist flotation, collapse or lateral movement.

(B) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2015 International Residential Building Code or the *U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing*, 1984 Edition, draft or latest revision thereto and 34 Pa Code Chapters 401 through 405 shall apply.

(C) Consideration shall be given to the installation requirements of the 2009 IBC and the 2015 IRC or the latest edition thereto adopted by the state, and 34 Pa. Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.  
(Ord. 275, passed 7-15-2015)

## Floodplains

### ' 152.061 SPECIAL REQUIREMENTS FOR RECREATIONAL VEHICLES.

Recreational vehicles in Zones A, A1-30, AH and AE must either:

(A) Be on the site for fewer than 180 consecutive days; and

(B) Be fully licensed and ready for highway use; or

(C) Meet the permit requirements for manufactured homes in ' 152.060.

(Ord. 275, passed 7-15-2015)

### *ACTIVITIES REQUIRING SPECIAL PERMITS*

### ' 152.075 GENERAL.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, being 32 P.S. " 679.101 et seq., the following activities shall be prohibited within any identified floodplain area unless a special permit has been issued by the borough:

(A) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals;

(2) Nursing homes; and

(3) Jails or prisons.

(B) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(Ord. 275, passed 7-15-2015) Penalty, see ' 152.999

### ' 152.076 APPLICATION REQUIREMENTS FOR SPECIAL PERMITS.

Applicants for special permits shall provide five copies of the following items:

(A) A written request including a completed permit application form;

**Patterson Heights Borough - Land Usage**

(B) A small scale map showing the vicinity in which the proposed site is located;

(C) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

(1) North arrow, scale and date;

(2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two feet;

(3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

(4) The location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction, and elevations;

(5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and human-made features affecting, or affected by, the proposed activity or development;

(6) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

(7) The location of all proposed buildings, structures, utilities and any other improvements;  
and

(8) Any other information which the municipality considers necessary for adequate review of the application.

(D) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

(1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections and exterior building elevations, as appropriate;

(2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

(3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

(4) Detailed information concerning any proposed floodproofing measures;

## Floodplains

(5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;

(6) Profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and

(7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

(E) The following data and documentation:

(1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he or she represents;

(2) Certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;

(3) A statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;

(4) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;

(5) A statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;

(6) The appropriate component of the Department of Environmental Protection's *Planning Module for Land Development*, being 32 P.S. " 679.101 et seq.;

(7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

(8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under ' 302 of Act 1978-166, being 32 P.S. " 679.101 et seq.; and

(9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

(Ord. 275, passed 7-15-2015)

## Patterson Heights Borough - Land Usage

### ' 152.077 APPLICATION REVIEW PROCEDURES.

Upon receipt of an application for a special permit by the borough the following procedures shall apply in addition to those of " 152.020 through 152.029.

(A) Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

(B) If an application is received that is incomplete, the borough shall notify the applicant in writing, stating in what respect the application is deficient.

(C) If the borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.

(D) If the borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five working days after the date of approval.

(E) Before issuing the special permit, the borough shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by the borough.

(F) If the borough does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a special permit to the applicant.

(G) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the borough and the applicant, in writing, of the reasons for the disapproval, and the borough shall not issue the special permit.

(Ord. 275, passed 7-15-2015)

### ' 152.078 SPECIAL TECHNICAL REQUIREMENTS.

(A) In addition to the requirements of " 152.055 through 152.061, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in ' 152.055 through 152.061 or in any other code, ordinance or regulation, the more restrictive provision shall apply.

(B) No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

## Floodplains

(1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:

(a) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE;

(b) The lowest floor (including basement) will be elevated to at least one and one-half feet above base flood elevation; and

(c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

(2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

(C) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and the like shall be submitted in sufficient detail to allow a thorough technical review by the borough and the Department of Community and Economic Development.

(Ord. 275, passed 7-15-2015)

### *EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS*

#### **' 152.090 EXISTING STRUCTURES.**

The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of ' 152.091 shall apply.

(Ord. 275, passed 7-15-2015)

#### **' 152.091 IMPROVEMENTS.**

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area.

(A) No expansion or enlargement of an existing structure shall be allowed within any floodway area/district that would cause any increase in BFE.

## **Patterson Heights Borough - Land Usage**

(B) Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

(C) The above activity shall also address the requirements of the 34 Pa. Code, as amended and the 2009 IBC and the 2015 IRC or most recent revision thereof adopted by the state.  
(Ord. 275, passed 7-15-2015) Penalty, see ' 152.999

### ***VARIANCES***

#### **' 152.105 GENERAL.**

If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the borough may, upon request, grant relief from the strict application of the requirements.

(Ord. 275, passed 7-15-2015)

#### **' 152.106 VARIANCE PROCEDURES AND CONDITIONS.**

(A) Requests for variances shall be considered by the borough in accordance with the procedures contained in ' 152.029 and the following.

(1) No variance shall be granted for any construction, development, use or activity within any Floodway Area/District that would cause any increase in the BFE.

(2) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (' 152.075 through 152.078) or to a development which may endanger human life (' 152.058).

(3) If granted, a variance shall involve only the least modification necessary to provide relief.

(4) In granting any variance, the borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare, and to achieve the objectives of this chapter.

(5) Whenever a variance is granted, the borough shall notify the applicant in writing that:

(a) The granting of the variance may result in increased premium rates for flood insurance;

and

## **Floodplains**

(b) Such variances may increase the risks to life and property.

(6) In reviewing any request for a variance, the borough shall consider, at a minimum, the following:

(a) There is good and sufficient cause;

(b) Failure to grant the variance would result in exceptional hardship to the applicant; and

(c) The granting of the variance will:

1. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense; nor

2. Create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(7) A complete record of all variance requests and related actions shall be maintained by the borough. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

(B) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.

(Ord. 275, passed 7-15-2015)

## ***DEFINITIONS***

### **' 152.120 GENERAL.**

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.

(Ord. 275, passed 7-15-2015)

### **' 152.121 SPECIFIC DEFINITIONS.**

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

***ACCESSORY USE OR STRUCTURE.*** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

## Patterson Heights Borough - Land Usage

**BASE FLOOD.** A flood which has a 1% chance of being equaled or exceeded in any given year. (Also called the **100-YEAR FLOOD** or **1% ANNUAL CHANCE FLOOD**.)

**BASE FLOOD DISCHARGE.** The volume of water resulting from a base flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**BASE FLOOD ELEVATION (BFE).** The elevation shown on the flood insurance rate map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

**BASEMENT.** Any area of the building having its floor below ground level on all sides.

**BUILDING.** A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**DEVELOPMENT.** Any human-made change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

**FLOOD.** A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM).** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS).** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

**FLOODPLAIN AREA.** A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

## Floodplains

**FLOODPROOFING.** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURES.** Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA.** An umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the flood insurance rate maps and flood insurance study, but may include additional areas identified by the community. See " 152.040 and 152.041 for the specifics on what areas the community has included in the identified floodplain area.

**LOWEST FLOOR.** The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the **LOWEST FLOOR** of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

## Patterson Heights Borough - Land Usage

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MINOR REPAIR.** The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall **MINOR REPAIRS** include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective start date of this chapter and includes any subsequent improvements to such structures. Any construction started after April 15, 1981 and before the effective start date of this chapter is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**PERSON.** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**POST-FIRM STRUCTURE.** A structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial flood insurance rate map (FIRM) dated April 15, 1981, whichever is later, and, as such, would be required to be compliant with the regulations of the national flood insurance program.

**PRE-FIRM STRUCTURE.** A structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial flood insurance rate map (FIRM) dated April 15, 1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the national flood insurance program.

**RECREATIONAL VEHICLE.** A vehicle which is:

## Floodplains

- (1) Built on a single chassis;
- (2) Not more than 400 square feet, measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REGULATORY FLOOD ELEVATION.** The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half feet.

**SPECIAL PERMIT.** A special approval which is required for hospitals, nursing homes, jails and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**SPECIAL FLOOD HAZARD AREA (SFHA).** An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

**START OF CONSTRUCTION.** Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

## **Patterson Heights Borough - Land Usage**

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

***SUBSTANTIAL DAMAGE.*** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

***SUBSTANTIAL IMPROVEMENT.*** Any reconstruction, rehabilitation, addition or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the Astart of construction@ of the improvement. This term includes structures which have incurred Asubstantial damage@ regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions.

***UNIFORM CONSTRUCTION CODE (UCC).*** The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

***VARIANCE.*** A grant of relief by a community from the terms of a floodplain management regulation.

***VIOLATION.*** The failure of a structure or other development to be fully compliant with the community=s floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in 44 C.F.R. ' 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in ***VIOLATION*** until such time as that documentation is provided.  
(Ord. 275, passed 7-15-2015)

**' 152.999 PENALTY.**

## **Floodplains**

Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of a summary offense and upon conviction shall pay a fine to borough, of not less than \$25 nor more than \$600, plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initialed or any structure or building constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Council to be a public nuisance and abatable as such.

(Ord. 275, passed 7-15-2015)

## CHAPTER 153: FENCES

### Section

- 153.01 Purpose
- 153.02 Standards
  
- 153.99 Penalty

#### ' 153.01 PURPOSE.

This chapter is enacted in the interest of health, safety and welfare of the residents of the borough for the regulation of fences within the borough.  
(Ord. 249, passed 7-6-2009)

#### ' 153.02 STANDARDS.

##### (A) *Residential properties.*

(1) *Front yard.* The maximum height of any fence or wall in a front yard shall not exceed four feet in height above the adjacent ground level.

(2) *Side and rear yards.* The maximum height of any fence or wall in a side or rear yard shall not exceed six feet in height above the adjacent ground level.

(3) *Materials.* All fences shall be constructed with materials recognized by the fencing industry and designed to provide permanent enclosure. Fences shall not be constructed out of tires, pallets bed springs or other like materials not traditionally manufactured or used for fencing purposes. No barbed wire and all other fencing designed to cut or injure or other potentially injurious material shall be contained upon the fence or as part of the material to construct the fence.

##### (B) *Nonresidential properties.*

(1) *Height.* Fences to be constructed within any nonresidential zoning district shall not exceed eight feet in height above the adjacent ground level.

## Fences

(2) *Materials.* All fences shall be constructed with materials recognized by the fencing industry and designed to provide permanent enclosure. Fences shall not be constructed out of tires, pallets, bed springs or other like materials not traditionally manufactured or used for fencing purposes. No barbed wire and all other fencing designed to cut or injure or other potentially injurious material shall be contained upon the fence or as part of the material to construct the fence, unless a request is made to the Borough Council and approved by a majority vote at a public Council meeting.

(Ord. 249, passed 7-6-2009) Penalty, see ' 153.99

### ' 153.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter shall be fined not less than \$100 nor more than \$1,000 for each offence. A separate offence shall be deemed committed each day the violation continues.

(Ord. 249, passed 7-6-2009)

## CHAPTER 154: ZONING

Section

### *General Provisions*

- 154.001 Title
- 154.002 Purpose
- 154.003 Definitions
- 154.004 Interpretation, purpose and conflict

### *Zoning Districts*

- 154.015 Establishment of districts
- 154.016 Maps and boundaries

### *Application of Regulations*

- 154.030 Use of property
- 154.031 Restrictions

### *R-Residential District Regulations*

- 154.045 Purpose
- 154.046 Permitted uses
- 154.047 Lot area, yard, dimensional and minimum gross floor area requirements in the R-Residential District
- 154.048 Parking requirements

### *MDO-Multiple Dwelling Overlay District*

- 154.060 Purpose
- 154.061 District boundaries
- 154.062 Permitted uses MDO District
- 154.063 Conditional use MDO District
- 154.064 Lot area, yard, dimensional and minimum gross floor area requirements in Multiple Dwelling Overlay District

## **Zoning**

### ***Permissive Uses; Park***

- 154.075 AP@ Park
- 154.076 Permitted uses
- 154.077 Requirements
- 154.078 Parking

### ***Permissive Uses; Industrial***

- 154.090 AI@ Industrial

### ***Supplementary Regulations***

- 154.105 Generally
- 154.106 Essential service
- 154.107 Dwellings on small lots
- 154.108 Trailer camps
- 154.109 House trailers
- 154.110 Storage
- 154.111 Fences and hedges
- 154.112 Pools
- 154.113 Signs
- 154.114 Conditional uses
- 154.115 Required buffer yards
- 154.116 Cellular communication antenna

### ***Nonconforming Uses***

- 154.130 When permitted
- 154.131 Unsafe structure
- 154.132 Alterations
- 154.133 Restoration
- 154.134 Extension
- 154.135 Changes
- 154.136 Prior approved construction
- 154.137 Abandonment
- 154.138 Unlawful use
- 154.139 District changes

### ***Administration and Enforcement***

- 154.150 Administrative
- 154.151 Zoning and building permit required
- 154.152 Occupancy permit required

## Patterson Heights Borough - Land Usage

154.153 Notice of violation  
154.154 Land development

### *Board of Zoning Adjustment*

154.165 Creation, appointment and organization  
154.166 Powers and duties  
154.167 Procedure

### *Amendments*

154.180 Permitted changes  
154.181 Application or petition  
154.182 Amendment by Council

154.999 Penalty  
Appendix: Zoning maps

## ***GENERAL PROVISIONS***

### **' 154.001 TITLE.**

This chapter shall be known and maybe cited as the A1961 Zoning Ordinance of the Borough of Patterson Heights@ and the district map shall be known and may be cited as the Aofficial zoning ordinance map@.  
(Ord. 146, passed 9-11-1961)

### **' 154.002 PURPOSE.**

For the purpose of lessening congestion in the roads and highways; to secure safety from fire, panic and other danger; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue congestion of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.  
(Ord. 146, passed 9-11-1961)

### **' 154.003 DEFINITIONS.**

(A) *Interpretation.* For the purpose of this chapter, certain terms and words used herein shall be interpreted or defined as follows.

## Zoning

- (1) Words used in the present tense shall include the future.
- (2) Words used in the singular shall include the plural.
- (3) The word Aperson@ includes a corporation as well as an individual.
- (4) The term Ashall@ is always mandatory.

(5) The word Aused@ or Aoccupied@ as applied to any land or building shall be construed to include the words intended, arranged or designed to be used or occupied.

- (6) The word Abuilding@ includes the word structure.

(B) *Meaning of words.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACCESSORY BUILDING.*** A building subordinate to the main building and used for purposes customarily incidental to those of the main building.

***ALLEY.*** A transportation facility, whether opened or unopened which provides access to private or publicly owned property. For the purposes of this chapter, Central Alley and Darlington Alley meet this definition.

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

***BUILDING LINE.*** The line of that face of the building nearest the front line of the lot. This face includes porches, patios and similar construction, but does not include steps.

***CELLULAR COMMUNICATION ANTENNAS.*** An outside antenna used for the transmission, radiating and/or receiving radio waves, voice and data communications, television signals, microwave signals, signals from satellites and similar signals.

***COMMERCIAL.*** Engaging in a business, enterprise, activity or other undertaking for profit.

***CONDITIONAL USES.*** Those uses specifically enumerated in this chapter to be allowed or denied by Borough Council after recommendation of the Planning Commission pursuant to the express standards and criteria set forth in this chapter, and following the conducting of a public hearing thereon by Borough Council.

***DUPLEX.*** Two dwelling units in a single structure, each capable of accommodating a family, either side by side or one over the other, with either common vertical separation or common horizontal separation.

## Patterson Heights Borough - Land Usage

**DWELLING UNIT.** A room or group of rooms located within a residential structure which form a single habitable unit with facilities for living, sleeping, cooking and eating by one family.

**ESSENTIAL SERVICE.** The erection, construction alteration or maintenance of public utilities, municipal departments or commissions, of facilities, including buildings necessary for the furnishing of adequate services for the public health, safety or general welfare.

**FAMILY.** Any number of related individuals living together as a single housekeeping unit or three unrelated persons occupying the same dwelling unit.

**FRONT YARD.** The open space extending across the entire width of the lot between the front line of the building line and the street right-of-way.

**GROSS FLOOR AREA.** The sum of the gross horizontal interior areas of the several floors of a dwelling unit or structure excluding basements (cellars), attics, garages, open breezeways, open porches and terraces.

**HEIGHT.** The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof, providing that chimneys, spires, towers, tanks and similar projections shall not be included in calculating the **HEIGHT**.

**LAND DEVELOPMENT.** The improvement of one lot or two or more contiguous lots on parcels of land or a subdivision of land.

**LOT.** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter for a lot in the district in which such land is situated, and having its principal frontage on a public street or roadway or such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

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

**MOBILE HOME (ALSO MODULAR HOME).** A transportable single-family dwelling which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile homes.

**NONCONFORMING LOT.** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

## Zoning

**NONCONFORMING STRUCTURE.** Any structure or part of a structure legally existing at the time of the enactment of this chapter or any of its amendments, which does not conform with the provisions of this section.

**NONCONFORMING USE.** A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated. A **NONCONFORMING USE** is considered legal if it preceded the adoption of this chapter, prior to September 11, 1961, and has been continuously used and occupied. All other **NONCONFORMING USES** are considered illegal and subject to enforcement provisions.

**PLANNING COMMISSION.** The duly constituted Planning Commission of Patterson Heights Borough, Beaver County, Pennsylvania.

**PRINCIPAL BOROUGH STREET.** A transportation facility capable of carrying a significant volume of traffic. For the purposes of this chapter, Fourth Street, Fifth Street, Sixth Street, Seventh Street, Eighth Street, Eighth Avenue and Ninth Avenue meet this definition.

**PRIVATE GARAGE.** An accessory building for the storage of motor vehicles owned and used by the owner or tenant of the lot for a purpose accessory to the use of the lot, and for not more than two additional motor vehicles owned and used by others.

**PUBLIC GARAGE.** A building, not a private garage, used for storage or repair of motor vehicles.

**PUBLIC HEARING.** A formal meeting held pursuant to public notice by the Borough Council or Zoning Hearing Board, intended to inform and obtain public comments, prior to taking action in accordance with this act.

**PUBLIC MEETING.** A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, being 65 Pa.C.S.A. " 701 et seq.

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

**REAR YARD.** The required open space extending from the rear of the main building and along the rear lot line (not necessarily a street line) throughout the entire width of the lot.

**SIDE YARD.** The required open space extending from the side of any building along the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

## **Patterson Heights Borough - Land Usage**

***SIGN.*** A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, or a sign posted, painted or placed in some fashion on a building, structure or any surface for such a purpose.

***SINGLE-FAMILY DWELLING.*** A building designed for and occupied exclusively as a residence for only one family.

***SPECIAL EXCEPTION.*** The permission or approval granted by the Board of Zoning Adjustment in situations where provision therefor is made by the terms of this chapter.

***STREET LINE.*** The line defining the edge of the legal width of a dedicated street right-of-way.

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

***TOWNHOUSE.*** Three or more dwelling units in a single structure, up to a maximum of six units, each accommodating a family, with the end units have side yards and the interior units having common vertical separations. Each dwelling unit is a minimum of two stories and a maximum of three stories.

(Ord. 146, passed 9-11-1961; Ord. 209, passed 5-10-1993; Ord. 217, passed 4-7-1997)

### **' 154.004 INTERPRETATION, PURPOSE AND CONFLICT.**

In interpreting and applying the provision of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the borough. The chapter is not intended to interfere with or abrogate or annul other rules, regulations or chapters of the borough, provided that where this chapter imposes a greater restriction upon the use of building or premises, or upon the height of a building, or requires larger open spaces than, are imposed by other such rules, regulations or chapters, the provision of this chapter shall prevail.

(Ord. 146, passed 9-11-1961)

## ***ZONING DISTRICTS***

### **' 154.015 ESTABLISHMENT OF DISTRICTS.**

For the purpose of applying the provisions of this chapter, the borough is hereby divided into the following zoning districts:

## **Zoning**

(A) R-Residential;

(B) AP@ Park;

(C) AI@ Industrial; and

(D) MDO Multiple Dwelling Overlay District.

(Ord. 146, passed 9-11-1961; Ord. 209, passed 5-10-1993)

### **' 154.016 MAPS AND BOUNDARIES.**

(A) The boundaries of these districts are hereby established as shown on the map entitled official zoning ordinance map on file in the office of the Zoning Officer, which map with all explanatory matter thereon shall be deemed to accompany, be and is hereby made a part of this chapter. The official zoning ordinance map shall carry the signature of the President of the Borough Council and the Borough Secretary certifying that it is the true map adopted by the Council. All amendments shall be identified on the map, and similarly certified.

(B) The boundaries between districts are, unless otherwise indicated, either the centerline of streets or such lines extended, or parallel lines thereto, property lines or other physical boundaries and delineations. Where streets, property lines or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the certified official zoning ordinance map.

(Ord. 146, passed 9-11-1961)

## *APPLICATION OF REGULATIONS*

### **' 154.030 USE OF PROPERTY.**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

(Ord. 146, passed 9-11-1961) Penalty, see ' 154.999

### **' 154.031 RESTRICTIONS.**

(A) No building shall hereafter be erected or altered:

(1) To exceed the height;

## Patterson Heights Borough - Land Usage

(2) To accommodate a greater number of families;

(3) To occupy a greater percentage of lot area; or

(4) To have narrower or smaller rear yards, front yards or side yards than is specified herein for the district in which such building is located.

(B) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

(Ord. 146, passed 9-11-1961) Penalty, see ' 154.999

### *R-RESIDENTIAL DISTRICT REGULATIONS*

#### **' 154.045 PURPOSE.**

The R-Residential District is hereby established in order to provide for low density single-family use in appropriate areas of the borough.

(Ord. 146, passed 9-11-1961; Ord. 209, passed 5-10-1993)

#### **' 154.046 PERMITTED USES.**

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes.

##### *(A) Principal uses.*

(1) Single-family detached dwellings;

(2) Public services including emergency services; and

(3) Public recreation.

##### *(B) Accessory uses.*

(1) Garages for the parking or storage of privately owned vehicles;

(2) Swimming pools; and

(3) Storage sheds (maximum of two).

(Ord. 146, passed 9-11-1961; Ord. 182, passed 9-8-1980; Ord. 209, passed 5-10-1993)

## Zoning

### ' 154.047 LOT AREA, YARD, DIMENSIONAL AND MINIMUM GROSS FLOOR AREA REQUIREMENTS IN THE R-RESIDENTIAL DISTRICT.

(A) *Minimum lot area.* Single-family residential dwelling: 7,000 square feet.

(B) *Minimum lot width.* Single-family residential dwelling: 50 feet at building line.

(C) *Minimum yards.*

(1) *Front yard.* Average depth from right-of-way line of structures within 300 lineal feet of both side lot lines.

(2) *Side yards.* Ten feet on each side.

(3) *Rear yards.* Twenty feet.

(D) *Lot coverage (bulk).* Single-family detached residential dwelling: 35% maximum.

(E) *Height.*

(1) *Height of residential dwelling.* Thirty-five feet maximum from average grade to highest point of structure excluding chimney. Roof pitch shall be not less than six inches of rise to 12 inches of run.

(2) *Height of accessory garages.* A maximum height of 14 feet to the eaves and 20 feet to the roof peak from the average grade.

(F) *Minimum gross floor area.*

(1) Two-story residential dwelling: 1,800 square feet;

(2) Single-story residential dwelling: 1,500 square feet; and

(3) Split entry residential dwelling: 1,500 square feet.

(G) *Parking.* A minimum of two off-street paved parking spaces per dwelling shall be provided in addition to one space available in an integral or unattached garage. Each space shall be a minimum of 162 square feet in area or a minimum of nine feet wide by 18 feet deep, exclusive of access aisles or driveways.

(Ord. 146, passed 9-11-1961; Ord. 209, passed 5-10-1993; Ord. 223, passed 6-5-2000)

**Patterson Heights Borough - Land Usage****' 154.048 PARKING REQUIREMENTS.**

All off-street parking spaces required in conjunction with permitted or conditional uses enumerated herein shall be a minimum of 162 square feet in area or a minimum of nine feet wide by 18 feet deep exclusive of access aisles or driveways.

(Ord. 146, passed 9-11-1961; Ord. 209, passed 5-10-1993)

***MDO-MULTIPLE DWELLING OVERLAY DISTRICT*****' 154.060 PURPOSE.**

The Multiple Dwelling Overlay District is established in order to provide a variety of housing opportunities where such uses would not be incompatible with the basic character of the underlying district in terms of building materials and appearance, subject to the express standards listed herein.

(Ord. 209, passed 5-10-1993)

**' 154.061 DISTRICT BOUNDARIES.**

In the area currently zoned R-Residential with Fourth Street on the north; Eighth Street on the south; Darlington Road on the west; on the east by Darlington Alley, between Fourth Street and Fifth Street, and between Central Alley and Eighth Street and Ninth Avenue between Fifth Street and Central Alley. The centerline of each street, road and alley shall serve as the specific location of overlay district boundary lines.

(Ord. 209, passed 5-10-1993)

**' 154.062 PERMITTED USES MDO DISTRICT.**

A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes.

(A) *Principal uses.*

- (1) Single-family detached dwellings;
- (2) Public services including emergency services; and
- (3) Public recreation.

## Zoning

(B) *Accessory structures.*

- (1) Garages for the parking or storage of privately owned vehicles;
- (2) Swimming pools; and
- (3) Storage sheds (maximum of two).

(Ord. 209, passed 5-10-1993)

**' 154.063 CONDITIONAL USE MDO DISTRICT.**

A lot or parcel may be erected subject to the granting of a conditional use pursuant to procedures established by this chapter and after the filing of an application for development with the Borough Secretary.

(A) Duplex, subject to the following conditions:

- (1) A minimum of two off-street paved parking spaces per dwelling unit, designed in conformance with ' 154.048, shall be provided in addition to one space available in an integral or unattached garage;
- (2) The main entrance to each dwelling unit shall face the same street;
- (3) Access to and from the second floor dwelling unit, where applicable, shall be provided from the interior of the structure;
- (4) Minimum buffer yards shall be provided in compliance with ' 154.115;
- (5) Building material shall be compatible with those materials used throughout the R-Residential District; and
- (6) Primary access shall not be from a borough alley as defined herein.

(B) Townhouses, subject to the following conditions:

- (1) A minimum of two paved off-street parking spaces per dwelling unit, designed in conformance with ' 154.048, shall be provided in addition to one space available in an integral or unattached garage;
- (2) The main entrance to each dwelling unit shall face the same street;
- (3) Building material shall be compatible with those materials used throughout the R-Residential District;

**Patterson Heights Borough - Land Usage**

(4) Minimum buffer yards shall be provided in compliance with ' 154.115;

(5) Each dwelling unit must have an individual identity which is achieved by a combination of some or all of the following factors:

(a) Varying roof pitch and/or roof direction;

(b) Addition or deletion of patios and patio wall locations;

(c) Staggering of exterior walls;

(d) Any other method proposed by the developer that maintains dwelling unit individuality but achieves an overall design compatibility with the structure, as a whole; and

(e) Altering the height of abutting units.

(6) Primary access to townhouses shall not be from a borough alley.  
(Ord. 209, passed 5-10-1993)

**' 154.064 LOT AREA, YARD, DIMENSIONAL AND MINIMUM GROSS FLOOR AREA REQUIREMENTS IN MULTIPLE DWELLING OVERLAY DISTRICT.**

(A) *Minimum lot area.*

(1) Duplex: 7,000 square feet per structure or 3,500 square feet of lot area per dwelling unit;  
and

(2) Townhouse: 2,000 square feet of lot area per dwelling unit.

(B) *Minimum lot width.*

(1) Duplex: 50 feet at building line; and

(2) Townhouse: 25 feet per dwelling unit.

(C) *Minimum yards.*

(1) *Front yard.* No less than the average depth from right-of-way for structures within 300 lineal feet of both side lot lines.

(2) *Side yards.*

(a) *Duplex.* Ten feet on each side; and

## **Zoning**

(b) *Townhouses*. Fifteen feet on each side.

(3) *Rear yards*. Twenty feet.

(D) *Lot coverage; bulk*.

(1) Duplex: 35% maximum, including principal and accessory uses; and

(2) Townhouse: 60% maximum including principal and accessory uses.

(E) *Height*.

(1) *Generally*. Three stories maximum or 35 feet maximum from average grade to highest point of structure excluding chimney. Roof pitch shall be no less than six inches of rise for each 12 inches of run.

(2) *Minimum gross floor area*.

(a) Duplex: 1,250 square feet per dwelling unit; and

(b) Townhouse: 1,250 square feet per dwelling unit.

(Ord. 209, passed 5-10-1993)

### ***PERMISSIVE USES; PARK***

#### **' 154.075 AP@ PARK.**

In the AP@ Park Zone, only structures and uses stipulated herein are permitted. All permitted uses shall conform to conditions and restrictions imposed by this chapter.

(Ord. 146, passed 9-11-1961)

#### **' 154.076 PERMITTED USES.**

In the AP@ Park Zone only the following structures and uses are permitted:

(A) Municipal recreational uses such as parks and playgrounds not conducted as gainful business; and

(B) Operations and activities of the Beaver Valley Country Club.

(Ord. 146, passed 9-11-1961)

**Patterson Heights Borough - Land Usage****' 154.077 REQUIREMENTS.**

In the AP@ Park Zone, all area, yard and dimensional requirements of the R-Residential Zone shall apply.

(Ord. 146, passed 9-11-1961)

**' 154.078 PARKING.**

In the AP@ Park Zone, off-street parking facilities shall be provided in an amount which in the opinion of a majority of the members of the Borough Planning Commission, are sufficient to accommodate the requirements of the establishment.

(Ord. 146, passed 9-11-1961)

***PERMISSIVE USES; INDUSTRIAL*****' 154.090 AI@ INDUSTRIAL.**

In the AI@ Industrial Zone, the only uses permitted are those normally contingent to the railroad right-of-way for transportation purposes.

(Ord. 146, passed 9-11-1961)

***SUPPLEMENTARY REGULATIONS*****' 154.105 GENERALLY.**

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

(Ord. 146, passed 9-11-1961)

**' 154.106 ESSENTIAL SERVICE.**

Essential services, as defined in this chapter, shall be permitted in all districts, subject to restrictions approved by the Planning Commission with respect to use, design, yard area, setback and height.

(Ord. 146, passed 9-11-1961)

## Zoning

### ' 154.107 DWELLINGS ON SMALL LOTS.

Notwithstanding the limitations imposed by any other provisions of the chapter, the Board of Zoning Adjustment may permit erection of a dwelling on any lot (in a district where permitted by this chapter) separately owned or under contract of sale and containing, at the time of the passage of this chapter, an area or a width smaller than that required for a single-family dwelling. In no case shall any type of structure be permitted within five feet of a lot line in any residential district.  
(Ord. 146, passed 9-11-1961)

### ' 154.108 TRAILER CAMPS.

No trailer camps are hereafter permitted within the limits of the borough. No exceptions shall be made except by amendment of this chapter.  
(Ord. 146, passed 9-11-1961) Penalty, see ' 154.999

### ' 154.109 HOUSE TRAILERS.

No licensed or unlicensed house trailer and no unlicensed vehicle of any type may hereafter be used for living quarters in any district. The removal of wheels and the provision of foundations or utilities supplied to such trailer or vehicle does not constitute a permanent structure and permit occupancy under any provision of this chapter. No exceptions shall be made except by amendment of this chapter.  
(Ord. 146, passed 9-11-1961) Penalty, see ' 154.999

### ' 154.110 STORAGE.

No lot or premises shall be used as a garbage dump, or a dead animal rendering plant. No manure, rubbish or miscellaneous refuse may be stored in the open within any district where the same may be construed as a menace to public health or safety. No exceptions shall be made except by amendment of this chapter.  
(Ord. 146, passed 9-11-1961) Penalty, see ' 154.999

### ' 154.111 FENCES AND HEDGES.

Fences or hedges or other plantings shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to three feet within a triangular area formed by the intersecting street lines and a line joining points on the street lines and equidistant from the point of intersection. This distance shall be 30 feet from the corner.  
(Ord. 146, passed 9-11-1961) Penalty, see ' 154.999

## Patterson Heights Borough - Land Usage

### ' 154.112 POOLS.

All swimming pools shall be enclosed within a fence or enclosure at least four feet in height. If a gate or other type of entrance is provided, said entrance shall be reasonably secured. The fence or enclosure as well as the entrance shall be reasonably designed and constructed in a manner which will prevent access by children of tender age.

(Ord. 182, passed 9-8-1980)

### ' 154.113 SIGNS.

(A) *Generally.* Signs may be erected and maintained only when in compliance with the provisions of this chapter and any and all other chapters and regulations of the borough, relating to the erection, alteration or maintenance of signs and similar devices.

(B) *Purposes.* Signs may be erected for the following purposes only:

(1) Signs advertising the sale, rental or development of property; signs indicating the location and direction of premises; signs erected by churches, schools or other similar institutions provided the area of the sign does not exceed 12 square feet;

(2) Small announcement or professional signs designating professional offices such as those of a surgeon, attorney, engineer, architect or similar professional person, provided such sign or announcement does not exceed two square feet in area;

(3) The bottom most part of signs shall not exceed the height of two feet above ground level;  
and

(4) Signs shall be located a minimum distance of four feet from the street right-of-way.

(C) *Condition and maintenance.* In addition to other requirements of this subchapter, every sign referred to herein must be construction of durable materials, kept in repair and not allowed to become dilapidated. Each sign shall be removed when the circumstances leading to its erection no longer apply.

(D) *Purpose of sign, used.* In addition to the other requirements of this chapter, no signs or other advertising displays shall be permitted, except those specifically pertaining to the use of the property on which they are located. Further, all lighting and illumination of signs shall conform to regulations regarding hazards to traffic.

(E) *Billboards.* Billboards are prohibited in the borough without exception.  
(Ord. 146, passed 9-11-1961) Penalty, see ' 154.999

## Zoning

### ' 154.114 CONDITIONAL USES.

The following uses may be permitted as conditional uses in zoning districts as stated, following review and recommendation, by the Planning Commission and a public hearing held by the Borough Council, pursuant to conditions enumerated for each use.

(A) *Duplex in Multiple Dwelling Overlay District (MDO).*

- (1) Said use shall be established on a properly recorded conforming lot in the district;
- (2) Primary access shall not be from a borough alley as defined herein; and
- (3) Those conditions outlined in ' 154.063.

(B) *Townhouse in MDO District.*

- (1) Said use shall be established on a properly recorded conforming lot in the district;
- (2) Primary access shall not be from a borough alley as defined herein; and
- (3) Those conditions outlined in ' 154.063.

(C) *Home occupations, including, but not limited to, the professional offices of a doctor, dentist, attorney, data processor or certified public accountant.* The scale of such operation shall be on a one to one ratio, where the service being offered is provided to one person and not a group of people:

- (1) Said use shall be clearly subordinate and subsidiary to the primary residential use;
- (2) No sign shall be permitted in conjunction with the use;
- (3) Not more than one paid employee shall be permitted;
- (4) A minimum of two additional off-street parking spaces shall be provided in compliance with ' 154.048; and
- (5) A maximum of 20% of the gross floor area shall be devoted to the professional office.  
(Ord. 146, passed 9-11-1961; Ord. 189, passed 4-2-1984; Ord. 209, passed 5-10-1993)

### ' 154.115 REQUIRED BUFFER YARDS.

(A) Buffer yards are required for all new duplex and townhouse uses in the Multiple Dwelling Overlay District.

**Patterson Heights Borough - Land Usage**

(B) Said buffer yard shall be provided by the applicant for a building or zoning permit for the construction or renovation of said use, prior to the issuance of an occupancy permit.

(1) Buffer yards shall be created in all required side and rear yards on lots abutting existing residential dwelling units.

(2) The buffer yard shall be a minimum of ten feet in width for the entire length of the required yard measured from the lot boundary line.

(3) In all buffer yards, the ten foot-width shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.

(4) No structure or storage of materials, grass clippings, tree trimmings or dog houses shall be permitted in the buffer yard.

(5) (a) All buffer yards shall include a dense screen planting of trees, shrubs and other plant materials to the full length of the lot line, to serve as a visual barrier to airborne particles, noise and glare.

(b) Such screen planting shall be in accordance with the following requirements.

1. Plant materials used in the screen planting shall be a minimum of 50% evergreen and of other species and initial heights as will produce a dense visual screen at least eight feet high within five years.

2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.

3. The screen planting shall be so placed that at maturity it will not overhang any street or property line.

4. No planting shall be placed on the lot so as to obstruct the view of motorists on adjacent streets at the intersection of such streets or private access driveways.

5. The screen planting shall be broken only at points of vehicular or pedestrian access.

(Ord. 209, passed 5-10-1993)

' **154.116 CELLULAR COMMUNICATION ANTENNA.**

## Zoning

(A) Cellular communication antenna, as defined in ' 154.003, shall be permitted in all zoning districts as a conditional use; however, uses shall be authorized in residential districts only when it can be demonstrated, using technological evidence, that the antenna must go where it is proposed to satisfy its function in the operational grid system.

(B) Conditional use applications may be authorized pursuant to the standards and criteria specified herewith.

(1) *Existing structures.*

(a) In order to reduce the number of antenna support structures needed in the community in the future, proposed support structures shall be required to accommodate other users, including other cellular communication companies, and local police, fire and ambulance companies.

(b) 1. A cell site with antenna that is attached to an existing communication tower, smoke stack, water tower or other tall structure is permitted in all zoning districts.

2. The height of the antenna shall not exceed the height of the existing structure by more than 15 feet.

3. If the antenna is to be mounted on an existing structure (and is within the 15-foot limit), it shall be authorized as a use by right and the applicant shall not be required to meet the standards and criteria contained in the following provisions of this section.

(2) *New structures.*

(a) 1. If the cellular communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other cellular communications companies, other communications towers (fire, police and the like), and other tall structures.

2. The municipality may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

(b) All other uses ancillary to the antenna and associated operational equipment (including a business office, maintenance depot, vehicle storage and the like) are prohibited from the cell site, unless otherwise permitted in the zoning district in which the cell site is located.

(c) A cell site with antenna that is either not mounted on an existing structure, or is more than 15 feet higher than the structure on which it is mounted, is permitted in all zoning districts, but requires a conditional use approval in all districts.

## Patterson Heights Borough - Land Usage

### (3) *Application requirements for conditional use.*

(a) The application for conditional use shall include a development and operational plan.

(b) The following information, and all other data deemed appropriate and necessary to demonstrate that the intent and purposes of this section will be achieved, shall be included:

1. A description of the character, timing and duration of the proposed construction, operation and use of the facility, including maps and plans showing the location of the site, all access routes from public roads, and the regional area to be influenced by the proposed activity and use;

2. A full site plan drawn to scale for all cell sites, showing the antenna, antenna support structure, building, fencing, municipality=s subdivision and land development ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure. No building permits shall be issued until after final approval of the application and the final approval and recording of a subdivision site plan;

3. a. Complete plans of the proposed tower and all auxiliary structures and support facilities. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

b. The Borough Council may require independent studies and reviews of all such assurances. These shall be prepared by qualified professionals acceptable to both the developer and the governing body. The cost of all such studies and reviews shall be borne by the applicant in cases where issues develop over the need for or the adequacy of, safety and compliance with this section.

4. a. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

b. Antenna support structures under 200 feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees.

c. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations.

d. No antenna support structure may be artificially lighted except when required by the FAA.

5. Setbacks from base of antenna support structure: if a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be as follows.

## Zoning

Park and industrial districts	40% of antenna height*
Residential districts	30% of antenna height
* Requirements may be relaxed if the cellular communications company can demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company=s grid system	

6. All buildings and structures on the site other than the antenna support structure and any guy wire anchors shall conform to the setback and dimensional requirements that apply to the zoning district in which the site is located.

7. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet in height. The entire fence shall be constructed in a manner to prevent the entry onto the portion of the premises on which the use is situated, by unauthorized persons, domestic animals or livestock.

8. All applicable parking, sign and other requirements of this section shall apply. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

9. a. The site, including all structures, shall be constructed and landscaped in a manner appropriate to the district in which it is located. Open areas shall be covered with an appropriate vegetative material and properly maintained.

b. Suitable landscape screening or buffers shall be developed, if deemed necessary by the governing body, to minimize visibility of outside storage or ground level operational functions if said activities are readily visible from adjoining properties used for residential purposes. Where required, a screen or buffer shall have a height adequate to achieve its purpose.

c. Plant materials used for screening shall consist of dense evergreen plants. They shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within 124 months after commencement of operations in the area to be screened. The governing body shall require that either new planting or alternative screening be provided if, after 24 months, the plant materials do not provide an opaque screen.

d. The governing body may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

## **Patterson Heights Borough - Land Usage**

10. When applicable, the applicant shall have obtained from each appropriate state and federal regulatory agency or authority, a permit issued in accordance with all applicable state and federal laws, directives and regulations for the proposed use.

(Ord. 217, passed 4-7-1997)

### ***NONCONFORMING USES***

#### **' 154.130 WHEN PERMITTED.**

Subject to the provisions of this subchapter, a use of building or land existing at the time of the enactment of this chapter may be continued even though such use does not conform with the provisions of these regulations for the district in which it is located.

(Ord. 146, passed 9-11-1961)

#### **' 154.131 UNSAFE STRUCTURE.**

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

(Ord. 146, passed 9-11-1961)

#### **' 154.132 ALTERATIONS.**

A nonconforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding in aggregate cost, 50% of the fair market value of the building or structure unless the building or structure is changed to a conforming use.

(Ord. 146, passed 9-11-1961)

#### **' 154.133 RESTORATION.**

Nothing in this chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or act of God subsequent to the date of this chapter wherein the expense of such work does not exceed 50% of the fair market value of the building or structure at the time such damage occurred.

(Ord. 146, passed 9-11-1961)

## Zoning

### ' 154.134 EXTENSION.

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of the chapter shall not be deemed the extension of such nonconforming use.

(Ord. 146, passed 9-11-1961)

### ' 154.135 CHANGES.

No nonconforming building, structure or use shall be changed to another nonconforming use.

(Ord. 146, passed 9-11-1961)

### ' 154.136 PRIOR APPROVED CONSTRUCTION.

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning permit has been issued and the construction of which shall have been diligently prosecuted within two months of the date of such permit, and the ground story framework of which shall have been completed within four months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of this chapter.

(Ord. 146, passed 9-11-1961)

### ' 154.137 ABANDONMENT.

(A) A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use.

(B) A nonconforming use shall be considered abandoned as follows:

(1) When the intent of the owner to discontinue the use is apparent;

(2) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use;

(3) When a nonconforming use has been discontinued for a period of six months;

(4) When it has been replaced by a conforming use; or

(5) When it has been changed to another use under permit from the Board of Zoning Adjustment.

(Ord. 146, passed 9-11-1961)

**Patterson Heights Borough - Land Usage****' 154.138 UNLAWFUL USE.**

Nothing in this chapter shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this chapter.

(Ord. 146, passed 9-11-1961)

**' 154.139 DISTRICT CHANGES.**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.

(Ord. 146, passed 9-11-1961)

***ADMINISTRATION AND ENFORCEMENT*****' 154.150 ADMINISTRATIVE.**

A Zoning Officer shall administer and enforce this chapter, including the receiving of applications, the inspection of premises and the issuing of zoning permits. No zoning permit shall be issued by said Officer except where the provisions of this chapter have been complied with. The Zoning Officer shall be appointed by the Council of the borough.

(Ord. 146, passed 9-11-1961)

**' 154.151 ZONING AND BUILDING PERMIT REQUIRED.**

(A) No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Officer. All applications for zoning and building permits shall be in accordance with the requirements of this section and any amendment applicable at the time of application, and unless upon written order of the Board of Zoning Adjustments, no such zoning or building permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this section or any borough ordinance in effect at the time of application.

(B) All construction for which a zoning and building permit was issued shall be completed within 18 months of the date of issuance of said permit. No permit shall authorize construction activity beyond the 18-month period unless an extension is granted, in writing, to the applicant by the Zoning Officer. Such extension shall not exceed three months or 90 days and only one extension shall be considered.

## **Zoning**

(C) Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement; provided the estimated cost of said construction, as provided by a building contractor, does not exceed the sum of \$1,000

(Ord. 146, passed 9-11-1961; Ord. 209, passed 5-10-1993)

### **' 154.152 OCCUPANCY PERMIT REQUIRED.**

(A) No building or structure shall be used or occupied until a permit therefor has been issued by the Zoning Officer following a final inspection of the construction for which occupancy is requested.

(B) Any construction, addition or alteration shall be completed in compliance with this chapter and any officially adopted building code.

(C) Said permit for occupancy shall be applied for at the time of application of the building or zoning permit. A fee as determined by the Borough Council shall be paid at the time of application.

(Ord. 209, passed 5-10-1993) Penalty, see ' 154.999

### **' 154.153 NOTICE OF VIOLATION.**

The notice of violation for the purpose of enforcement of the provisions of this chapter shall consist of the following:

(A) The name of the owner of record and any other person against whom the municipality intends to take action;

(B) The location of the property in violation;

(C) The specific violation describing requirements not met and the applicable provisions of the chapter violated;

(D) Dates for commencement of compliance activity and dates by which compliance must be achieved;

(E) The recipient of the violation notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in " 154.165 through 154.167; and

(F) Failure to comply within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible penalties resulting.

(Ord. 209, passed 5-10-1993) Penalty, see ' 154.999

**Patterson Heights Borough - Land Usage****' 154.154 LAND DEVELOPMENT.**

(A) Any person, partnership, corporation or other legal entity with an ownership interest in land within the borough shall submit to the Secretary of the Planning Commission, a completed application for development form along with any and all fees due and six copies of all supporting documentation, 30 days prior to the date of the first meeting at which the proposed land development is scheduled to be discussed.

(1) Documentation shall include a development narrative describing the proposed development, a site plan at no more than 50 to one scale which includes contours at a minimum of five-foot intervals, the proposed location of all structures, all existing utility lines, public rights-of-way, stormwater drainage facilities and all structures on abutting lots within 50 feet of the lot proposed for development.

(2) A deposit, as determined by the Borough Council, shall be made at the time of application to cover all legal and consulting fees incurred by the borough during review.

(B) (1) The Planning Commission shall make recommendations to the Borough Council on the proposed development within 45 days following the date of the first scheduled review, and forward a copy of said recommendations to the applicant within five working days of the action taken.

(2) The Planning Commission=s actions shall be one of the following:

- (a) Recommend approval of the application as submitted;
- (b) Recommend approval of the application with conditions; and
- (c) Recommend denial of the application.

(C) (1) The Borough Council shall take action on the recommendation of the Planning Commission within 45 days of the date of the Planning Commission=s action, unless an extension of time is agreed to be both the applicant and the borough.

(2) The Borough Council=s actions shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application with conditions; or
- (c) Deny the application.

(3) A copy of the decision shall be forwarded to the applicant within five working days of the decision.

## **Zoning**

(D) Where the applicant agrees to the conditions stated by the Borough Council or the application is approved as submitted, the application for development shall be forwarded to the Zoning Officer, accompanied by an application for a building and zoning permit, including the required fees, for each structure proposed.

(E) Where the applicant does not agree to the conditions stated or where the application for development is denied by the Borough Council, a revised application may be resubmitted within 30 days of the decision of Borough Council. Such reapplication shall contain revisions suggested by the conditions of approval or as a result of a mediated agreement between the Borough Council and the applicant. Such reapplication shall be reviewed within the time constraints outlined in this section for an original submission.

(F) (1) Mediation shall be voluntary and the terms and conditions of the mediation shall consist of the following:

- (a) Funding for the mediation;
- (b) Selecting a mediator with a working knowledge of zoning and submission procedures;
- (c) Completing the mediation including time limits for completion;
- (d) Suspending time limits otherwise authorized in this chapter providing there is written consent by the mediating parties;
- (e) Identifying all parties and affording them an opportunity to participate;
- (f) Subject to legal constraints, determining whether some or all of the mediation sessions shall be open to the public; and
- (g) Assuming that the mediated solutions is in writing and signed by the parties.

(2) No offers or statements made in the mediated sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings. (Ord. 209, passed 5-10-1993)

### ***BOARD OF ZONING ADJUSTMENT***

#### **' 154.165 CREATION, APPOINTMENT AND ORGANIZATION.**

(A) A Board of Zoning Adjustment is hereby created.

## **Patterson Heights Borough - Land Usage**

(B) Said Board shall consist of three members appointed by the Borough Council.

(C) The initial terms of the first three members shall be as follows: one shall serve until the first Monday of January following the adoption of this chapter; one until the first Monday of the second January following the adoption of this chapter; and the other until the first Monday of the third January following the adoption of this chapter. Their successors shall serve for terms of three years.

(D) Any vacancy shall be filled for the unexpired term only.

(E) The members of the Board shall be removed for cause by the appointing authority upon written charges and after public hearing.

(F) The Board shall organize and elect a Chairperson and a Secretary from its membership.  
(Ord. 146, passed 9-11-1961)

### **' 154.166 POWERS AND DUTIES.**

(A) The Board of Zoning Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Officer in the administration of this chapter.

(B) The Board of Zoning Adjustment shall hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(C) (1) The Board of Zoning Adjustment may issue special permits for any of the uses for which this chapter requires the obtaining of such permits. In granting any special permit, the Board shall prescribe any conditions that it deems to be necessary to or desirable for the public interests.

(2) No special permit shall be granted by the Board of Zoning Adjustment unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this chapter.

(D) The Board of Zoning Adjustment may adapt or vary the strict application of any requirements of this chapter in the case of irregular, shallow or steep lots, or other physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case.

(1) No such variance in the strict application of any provision of this chapter shall be granted by the Board of Zoning Adjustment unless it finds that there are special circumstances or conditions which are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land or buildings.

(2) The granting of any variance shall be in harmony with the general purpose and intent of this chapter, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.  
(Ord. 146, passed 9-11-1961)

## **Zoning**

### **' 154.167 PROCEDURE.**

(A) The procedure of the Board of Zoning Adjustment shall be governed by the provisions of applicable laws of the commonwealth, and such rules, not inconsistent therewith, as the Board may adopt.

(B) In general, the procedure for appeal from action of the Zoning Officer shall be as follows.

(1) Any appeal from the requirements of the zoning chapter shall be taken by filing with the officer from whom the appeal is taken and with the Board of Zoning Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board, all of the documentary material constituting the record upon which the action appealed was taken.

(2) The appellant shall, at the time of filing his or her appeal, pay the enforcing officer a fee of \$800, plus any additional costs, including, but not limited to, solicitor, stenographer, advertising and costs.

(3) Each appeal shall be tried on its merits at a public hearing. Notice of such appeal shall be given by publishing in a newspaper of general circulation in the borough, and in accordance with the applicable law. The Board shall give the additional notice required by law to all parties in interest, and they may adjourn any hearing for the purpose of giving such further notice.

(4) The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem involved for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem involved and to request interpretations of said data by a representative of the Planning Commission.

(5) The Board shall decide each appeal within a reasonable time, and notice thereof shall be given to all parties in interest. The Board's decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Board may in conformity with law reverse or affirm, wholly or partly, or modify the order requirement, decision or determination appealed from or make such order, requirement decision or determination as in its opinion ought to be made.

(6) Any person aggrieved by any decision of the Board or any borough officer affected thereby may appeal therefrom within 30 days to the Court of Common Pleas, as provided by law. (Ord. 146, passed 9-11-1961; Ord. 189, passed 4-2-1984; Ord. 280, passed 3-21-2018)

## ***AMENDMENTS***

### **' 154.180 PERMITTED CHANGES.**

## **Patterson Heights Borough - Land Usage**

Whenever the public necessity, convenience or general welfare indicate, the Borough Council may, by this chapter in accordance with applicable laws of the state amend, supplement or change the regulations, restrictions, boundaries or classifications of buildings, structures and land, as the same are established by this chapter, or may hereafter be made a part thereof.

(Ord. 146, passed 9-11-1961)

### **' 154.181 APPLICATION OR PETITION.**

Applications or petitions for any change or amendments to existing zoning districts in the borough shall be made to the Borough Secretary and shall be accompanied with a fee of \$800, payable to the Borough Treasurer and to be deposited in the General Fund, to defray costs, including, but not limited to, the costs of preparing the necessary plats, maps, data, legislations, notices and all other official publications required by the borough. Said application or petition fee shall not be refundable, even in the case where the application or petition is not approved by the Borough Council.

(Ord. 146, passed 9-11-1961; Ord. 189, passed 4-2-1984)

### **' 154.182 AMENDMENT BY COUNCIL.**

The Borough Council may from time to time on its own motion or petition after public notice and hearing, amend the regulations and districts herein established, but no amendment shall become effective unless the same shall have first been submitted to the Planning Commission for approval, and said Commission shall have allowed a reasonable time for consideration and report, and no such amendment which shall have been disapproved by said Commission shall take effect unless subsequently passed by a two-thirds vote of the Borough Council.

(Ord. 146, passed 9-11-1961)

### **' 154.999 PENALTY.**

(A) *Remedies.* In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of the provisions of this chapter, the Borough Council, or, with the approval of the Borough Council, an officer of the borough, in addition to other remedies, may institute in the name of the borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

(B) *Penalties.*

(1) Any person, partnership or corporation who or which shall violate the provisions of this zoning chapter enacted under Act 247, being 53 P.S. " 10101 et seq., as amended, shall, upon conviction thereof in a civil enforcement proceeding, be sentenced to pay a judgment of not more than \$1,000, plus all court costs, including reasonable attorney fees incurred by the borough as a result thereof.

## Zoning

(2) No judgment shall be commenced or be imposed or payable until the determination of a violation by the District Justice.

(3) If the defendant neither pays nor appeals in timely fashion, the judgment imposed, the borough may enforce the judgment pursuant to rules of civil procedure.

(4) Each day that a violation is continued shall constitute a single and separate offense.

(5) All fines collected for the violation of this zoning chapter shall be paid over to the Borough Council and deposited in the General Fund.

(Ord. 146, passed 9-11-1961; Ord. 209, passed 5-10-1993)

**Patterson Heights Borough - Land Usage**

**APPENDIX: ZONING MAPS**

## Zoning

**Patterson Heights Borough - Land Usage**

**Zoning**

passed 9-11-1961)