EXETER

BOROUGH

CODE

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Exeter Borough Code of Ordinances

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PREFACE

PREFACE

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The Borough of Exeter has, like other municipalities, passed through the struggles that characterize all American communities in their early history. While only a few simple laws were necessary at the time of incorporation, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed ordinances for the proper function and government of the Borough. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Ordinances must be more than mere chronological enactments

Contents of Code

arranged for convenient use and must be kept up-to-date. It was

with thoughts such as these in mind that the Borough Council

ordered the following codification of ordinances.

The various chapters of the Code contain all currently effective ordinances of a general and permanent nature by the Borough Council of the Borough of Exeter. In accordance with recognized codification procedures, any revisions or amendments made in existing ordinances in the course of the codification, upon authorization of the Borough Council, are referred to in the ordinance adopting the Code and are adopted thereby.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all Borough ordinances of an administrative nature, namely, those dealing with the administration government, those establishing or regulating municipal departments and those affecting officers and employees of the municipal government and its departments. Part II, General Legislation, government and its departments. Part II, General Legislation, contains all other Borough ordinances of a regulatory nature. Ordinances in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Ordinances and Arrangement of Chapters

The ordinances are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. In such chapters, use of Article designation has preserved the identity of the individual ordinances.

PREPACE

Table of Contents

The Table of Contents details the arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more ordinances have been combined by the editors into a single chapter, titles of the several Articles are listed beneath the chapter title in order to facilitate location of the individual ordinances.

Pagination

For each chapter, the chapter number will precede the page number and each chapter will begin with page 1. Thus, the first page of Chapter 4 will be 4-1, the seventh page of Chapter 8 will be 8-7.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every ordinance is assigned a number which indicates both the number of the chapter in which the ordinance is located and the location of the section within that chapter. Thus, the first section of Chapter 4, is 4-1, while the third section of Chapter 70 is 70-3.

Scheme

The scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

General References

In each chapter containing materials related to other chapters in the Code, a table of general references is included to direct the reader's attention to such related chapters.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index should be supplemented and revised from time to time as new legislation is added to the Code.

PREFACE

Appendix

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Certain forms of local legislation do not fall into the categories as established for Parts I and II of the Code, but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New ordinances and amendments will be included and repeals will be indicated as soon as possible after passage.

2 3 4 5 6 7 8 .1 14 15 21 22 26 33 43

PART 1

ADMINISTRATIVE LEGISLATION

1 2		Chapter 1 GENERAL PROVISIONS					
3 4 5 6		ARTICLE I Adoption of Code					
7 8 9	1-1.	Code adopted.					
10 11	1-2.	When effective.					
12	1-3.	Repeal of ordinances not contained in Code.					
13 14 15	1-4.	Ordinances saved from repeal; matters not affected by repeal.					
16 17 18	1-5.	Inclusion of new legislation prior to adoption of Code.					
19 20	1-6.	Changes in previously adopted ordinances.					
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23 24	1-8.	Amendments to Code.					
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27	1-10.	Sale of Code Book; supplements provided.					
28 29	1-11.	Publication; filing.					
30 31	1-12.	.2. Severability of Code provisions.					
32 33	1-13.	Severability of ordinance provisions.					
34 35 36	1-14.	Altering or tampering with Code; penalties for violation.					
37 38							
39 40		ARTICLE I Adoption of Code					
41 42	Вe	it enacted and ordained by the Borough Council of the					
43 44 45	Borough -	of Exeter, County of Luzerne, Commonwealth of Pennsylvania, s enacted and ordained as follows:					
46	1-1.	Code adopted.					
47 48 49 50	Borough -	codification of a complete body of ordinances for the of Exeter, County of Luzerne, Commonwealth of Pennsylvania, sed, codified and consolidated into titles, chapters and					

sections and consisting of Chapters 1 through 134, together with an Index and Appendix, is hereby approved, adopted, ordained and enacted as the "Code of the Borough of Exeter", hereinafter known and referred to as the "Code".

1-2. When effective.

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All provisions of the Code shall be in full force and effect on and after ______.

1-3. Repeal of ordinances not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of Exeter and in force on the date of the adoption of this Chapter and not contained in the Code are hereby repealed as of the effective date of this Chapter, except as hereinafter provided.

1-4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in Section 1-3 of this Chapter shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to _____
- B. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this Chapter, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this Chapter in violation of any legislative provision of the Borough, or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Chapter, brought pursuant to any legislative provision of the Borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road,

highway, park or other public place.

- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough, or other instruments or evidence of the Borough's indebtedness.
- H. Any ordinance authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. Any ordinance annexing land to the Borough.
- J. Any ordinance designating the boundaries of water districts.
- K. The levy or imposition of taxes, special assessments or charges.
- L. The dedication of property.

- M. Any currently effective ordinance or resolution establishing the salaries or compensation of officers and employees of the Borough.
- 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in Section 1-4A and/or the date of adoption of this Chapter are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included.

1-6. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances of the Borough of Exeter for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Certain changes of a substantive nature were made to various ordinances found within the Code. These changes were made to bring the provisions into conformity with the desired policies of the Borough Council and it is the intent of the Council that all such changes be adopted as part of the Code as if the ordinances so changed had been

previously formally amended to read as such.

1-7. Copy of Code on file.

A copy of the Code in a post-bound volume has been filed in the Office of the Borough Secretary and shall remain there for use and examination by the public until final action is taken on this Chapter; and if this Chapter shall be adopted, such copy shall be certified by the Borough Secretary, as provided by law, and such certified copy shall remain on file in the Office of the Borough Secretary, available to all persons desiring to examine the same, during all times while the said Code is in effect.

1-8. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing the said Code, as amendments and supplements thereto.

1-9. Code Book to be kept up-to-date.

It shall be the duty of the Borough Secretary, or someone authorized and directed by the Borough Council, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Office of the Borough Secretary for use by the public. All changes in said Code and all ordinances adopted specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code Book, at which time such supplements shall be inserted therein.

1-10. Sale of Code Book; supplements provided.

Copies of the book containing the Code may be purchased from the Borough Secretary upon the payment of a fee to be set by resolution of the Borough council, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

1-11. Publication; filing.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the adoption of this Chapter adopting the Code in a newspaper of general circulation in

the Borough. Sufficient copies of the Code shall be maintained in the Office of the Borough Secretary for inspection by the public at all times during regular office hours. The enactment and application of this Chapter adopting the Code, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

1-12. Severability of Code provisions.

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 Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

1-13. Severability of ordinance provisions.

Each section of this Chapter is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

1-14. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which shall cause the law of the Borough to be misrepresented thereby. Anyone violating this Section of this Chapter shall, upon conviction, be subject to a fine of not more than three hundred (\$300.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, to imprisonment in the County jail for a term of not more than thirty (30) days.

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11 12	4-3.	Compensation.
13 14 15		ARTICLE II Mayor
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18 19	4-5.	Powers and duties.
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5 6	4-33.	Articles of Incorporation.
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20 21 22		ARTICLE XIII Street Commissioner
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31 32 33 34		ARTICLE I Council
35	4-1.	Election; terms of office.
36 37 38	The members	Council of the Borough of Exeter shall consist of seven (7) to be elected at large for terms of four (4) years.
39 40	4-2.	Powers and duties.
41 42 43	The such pov	Council of the Borough of Exeter shall have and exercise wers and duties as may be provided by law.
44 45	4-3.	Compensation.
46 47 48	Cou	ncil members shall be compensated as follows:
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ARTICLE II Mayor

4-4. Election; term of office.

The electors of the Borough of Exeter shall elect one (1) person as Mayor. The Mayor shall hold office for a term of four (4) years.

4-5. Powers and duties.

The Mayor of the Borough of Exeter shall have and exercise such powers and duties as may be provided by law.

4-6. Compensation.

The Mayor shall be compensated as follows:

ARTICLE III Auditors

4-7. Independent auditor.

The Borough Council shall appoint an independent auditor who shall be a certified public accountant registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants. Said independent auditor shall be appointed annually by resolution before the close of a fiscal year.

4-8. Powers and duties.

The independent auditor of the Borough of Exeter shall have and exercise such powers and duties as may be provided by law.

ARTICLE IV Tax Collector

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4-9. Election: term of office.

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The qualified electors of the Borough of Exeter shall elect one

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(1) properly qualified person as Tax Collector for a term of four (4) years. No Magistrate shall at the same time hold the Office of Tax Collector.

4-10. Powers and duties.

The Tax Collector of the Borough of Exeter shall have and exercise such powers and duties as may be provided by law.

ARTICLE V Appointive Officers

4-11. Appointments authorized.

The Council of the Borough of Exeter shall have power to by motion, ordinance or resolution, and appoint a Treasurer, a Secretary, a Solicitor, and Engineer, a Street Superintendent and such other officers as it deems necessary. The Treasurer and the Secretary shall not be members of the Council. A bank or bank and trust company may be appointed as Treasurer. All officers and employees appointed by the Council, with the exception of those who under the provisions of the Borough Code or any other law are under civil service or have a definite term of office, shall serve for an indefinite term at the pleasure of the Council.

4-12. Powers and duties.

Persons so appointed shall exercise such powers and perform such duties as may be provided by law or by ordinance, resolution or motion of the Council.

ARTICLE VI Police Department

4-13. Composition; appointments.

The Police Department of the Borough of Exeter shall be composed of a Chief of Police, an Assistant Chief and four (4) full-time Patrolmen. Part-time patrolmen shall be appointed, if needed, at the discretion of Council. The Chief shall be appointed by Council, and the Assistant Chief and Patrolmen shall be appointed by the Council upon recommendation of the Civil Service Commission.

4-14. Authority and responsibility of Chief.

The Chief of Police, under the direction of the Mayor, shall command the Police Department and shall have the direct supervision of and responsibility for the proper conduct and exercise of the duties and powers of the other members of the Police Department.

4-15. Absence or incapacity of Chief.

In the absence or incapacity of the Chief, the Assistant Chief shall assume and carry out the duties and powers of the Chief.

4-16. Vacations and sick leave.

The vacations and sick leave of members of the Police Department shall be as provided in the negotiated contract between the Borough of Exeter and the municipal employees of the Borough.

4-17. Special school police.

- A. The position of special school police is established, and Council shall appoint qualified persons to said positions, such persons to be compensated as may be provided by Council.
- B. The special school police shall serve at the pleasure of Council and while on duty shall be under and subject to the direction of the Mayor. They shall not come within the provisions of civil service, nor shall they be entitled to participate in any police pension plan.
- C. The special school police shall have the duty of controlling and directing traffic at or near schools as designated at hours before the starting of and after the closing of the school periods, both morning and afternoon, as found necessary. They shall be in suitable and distinctive uniform, shall display a badge or other sign of authority and shall be vested with all the powers of a regular police officer.

ARTICLE VII Fire Department

4-18. Department continued.

The Fire Department of the Borough of Exeter as heretofore established is hereby ratified and continued.

4-19. Office of Fire Chief.

There shall be a Fire Chief who shall also serve as the Chief Enforcement Officer of the Fire Prevention Code, together with such additional officers or other personnel as may be authorized from time to time by Council as follows:

- A. Fire Chief and Chief Enforcement Officer of the Fire Prevention Code.
- B. Chief Engineer.
- C. Chief Fire Apparatus Operator.
- D. Fire Apparatus Operator.

4-20. Duties.

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- A. The duties of the Fire Chief and personnel of the Fire Department shall be as established from time to time by ordinance or resolution of Council.
- B. Duties of Fire Chief.
 - (1) Duties of the Fire Chief shall be as follows:
 - (a) The Fire Chief shall command the Fire Department and shall have the direct supervision of and responsibility for the proper conduct and exercise of the duties and powers of the other members of the Fire Department.
 - (b) The Fire Chief shall be the enforcement officer of the Fire Prevention Code.
 - (c) The Fire Chief shall direct all operations of volunteer fire fighters and their line officers at the fire scene. He shall direct and control all fire apparatus and fire apparatus operators at the fire scene, and he shall be solely responsible for requesting any assistance needed at the fire scene, and all such assistance shall be under his control.
 - (d) The Fire Chief shall make a monthly report to the Borough Council containing the number of fires, the nature of each fire and how the alarm was received. In addition, during the month of January of each year, the Fire Chief

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- (e) The Fire Chief shall conduct annual fire prevention inspections on commercial and industrial properties and on other properties as needed. The Fire Chief shall make a complete record of all such inspections specifically itemizing any code violations or fire hazards.
- (f) With respect to each fire, if possible, the Fire Chief shall prepare a report containing an estimate of the uninsured losses caused by the fire, including the approximate amount of the uninsured loss, the name of the property owner and/or tenant and the location of the fire.
- (g) The Fire Chief shall maintain records of all members of the Department and all volunteer fire fighters injured in the performance of their duties.
- (2) Nothing contained herein shall be construed so as to interfere with the duties of the Chief Engineer as set forth above. However, the Fire Chief shall consult with the Chief Engineer on the operation and maintenance of the fire equipment of the Borough.
- (3) During the absence or incapacity of the Fire Chief, the Assistant Fire Chief shall assume and carry out the duties and powers of the Fire Chief.

4-21. Mandatory retirement.

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The mandatory and compulsory retirement age of all firemen of the Borough of Exeter shall be as per U.S. Government guidelines dictate, if the minimum service requirement of twenty-five (25) years has been satisfied.

ARTICLE VIII Salaries and Compensation

4-22. Establishment of salaries.

The salaries and compensation of all officers and employees of the Borough of Exeter shall be as established from time to time by ordinance or resolution of the Council.

4-23. Copies on file.

All currently effective salary ordinances or resolutions shall be maintained on file in the office of the Borough Secretary.

ARTICLE IX Civil Service Commission

4-24. Creation; membership.

A Civil Service Commission as created by this Section of the Borough Code is hereby established for the Borough of Exeter. The Commission shall consist of three (3) members who shall be qualified electors of the Borough and shall be appointed by the Council. Initial appointments to the Commission shall be for terms of two (2), four (4) and six (6) years, and as terms expire, appointments shall be for terms of six (6) years.

4-25. Vacancies in office.

Any vacancy occurring on the Commission for any reason shall be filled by the Council for the unexpired term within thirty (30) days after such vacancy occurs.

4-26. Oath of office; compensation.

Each member of the Commission, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity, together with such loyalty oath as is prescribed and required by law. The Civil Service Commissioners shall receive no compensation.

4-27. Disabilities; powers and duties.

The members of the Civil Service Commission shall be subject to such disabilities and shall have and exercise such powers and duties as may be provided by law.

ARTICLE X Planning Commission

4-28. Planning Department and Commission continued.

The Exeter Borough Planning Commission, as heretofore created by ordinance, is hereby ratified and continued.

4-29. Terms of office; appointments; vacancies.

The current members of the Planning Commission shall continue in office for the terms for which they were appointed. As the term of a member expires, each new member appointed to the Planning Commission by the Council shall be appointed for a term of four (4) years or until his successor is appointed and qualified, except that the terms of the five (5) members of the Commission shall be so fixed that no more than two (2) shall be reappointed or replaced during any future calendar year. Vacancies shall be filled by the Council for the unexpired term.

4-30. Residence; compensation.

The members of the Borough Planning Commission shall be residents of the Borough of Exeter and shall serve without compensation.

4-31. Powers and duties.

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The Borough Planning Commission shall have and exercise such powers and duties as may be provided by law.

ARTICLE XI Wyoming Valley Sanitary Authority

4-32. Establishment authorized.

The Borough Council has organized with the Boroughs of Courtdale, Pringle, Forty Fort, Kingston, Larksville, Luzerne, Plymouth and Swoyersville, a Joint Authority under the provisions of the Municipality Authorities Act of 1945, P.L. 382, as amended, 53 P.S. Section 301 et seq.

4-33. Articles of Incorporation.

The proper officers were authorized and directed to execute and the Secretary was authorized and directed to affix the common and corporate seal to and attest, and said officers were authorized and directed to deliver, Articles of Incorporation for the Authority in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH: COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as the Municipality Authorities Act of 1945, as amended, the Municipal Authorities of the following municipalities:

- 1. The name of the Authority is WYOMING VALLEY SANITARY AUTHORITY.
- The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.
- 3. No other Authority organized under the Act of May 2, 1945, P.L. 382, as amended, or under the Act of June 28, 1935, P.L. 463, as amended, is in existence in or for any of the incorporating municipalities, except:

Municipal Authority of the Township of Hanover - Hanover Township, Pennsylvania.

The Municipal Authority of the Borough of Plymouth - Plymouth, Pennsylvania.

4. The names of the incorporating municipalities are: Cities of NANTICOKE, PITTSTON, and WILKES-BARRE, Boroughs of EDWARDSVILLE, EXETER, FORTY FORT, KINGSTON, PLYMOUTH, SWOYERSVILLE, WEST PITTSTON, and WYOMING, and the Townships of HANOVER, JENKINS and PLAINS.

4-34. Publication.

3.4

 The Secretary was directed to cause or join in the publication of the notice of this Article and the proposed filing of the Articles of Incorporation as required by Section 3 of the Municipality Authorities Act of 1945.

4-35. Authorization to municipal officers.

The proper officers were directed to join with the proper officers of other incorporating municipalities in the filing of Articles of Incorporation, together with the necessary proof of publication, with the Secretary of the Commonwealth, and to do all other acts necessary and appropriate to effect the incorporation of the proposed Authority, including the payment of any filing fees in connection therewith.

4-36. Appointment of members.

The person or persons named in the form of Articles of Incorporation set forth above as a citizen or citizens of the municipality (is) (are) hereby appointed as member(s) of the Board of the Authority for the terms provided in such form. No change shall be made in the membership from any incorporating municipality except following a federal census.

4-11

4-37. Project to be undertaken.

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The initial project to be undertaken by the Authority was the financing, construction and/or provision of facilities for the primary treatment and disposal of sewage, as the physical facilities of the Wyoming Valley Sanitary Authority exist today.

ARTICLE XII Ethics of Public Office

4-38. Financial interest in certain contracts prohibited.

It shall not be lawful for any member of the Borough Council to receive any salary or compensation from any person or corporation contracting with the Borough of Exeter for the furnishing of any supplies or materials to or for the use of the Borough, nor shall any member of the Borough Council be directly or indirectly interested in such contract or receive any reward or gratuity from any person or corporation interested in each contract or sale, and any person violating the provisions of this Article shall upon conviction thereof, be punishable by a fine of not more than three hundred (\$300.00) dollars or by imprisonment in the County jail for a term of not more than thirty (30) days, or both.

ARTICLE XIII Street Commissioner

4-39. Establishment.

That the position of "Street Commissioner", be and the same is hereby established in the Borough of Exeter.

4-40. Responsibilities.

The Street Commissioner, under the direct supervision of Borough Council and with the approval of Borough Council, shall be responsible for supervising and maintaining all streets, alleys, and public roadways in the Borough of Exeter. The Street Commissioner is hereby authorized to supervise all snow and ice removal in the Borough of Exeter. In addition, the Street Commissioner shall have such powers and duties as may be given to him from time to time by motion or resolution of Borough Council.

4-41. Appointment and salary.

The Street Commissioner shall be appointed by majority vote of Borough Council and shall receive a semi-monthly salary which shall be set by the Exeter Borough Salary Ordinance.

FIREMEN'S RELIEF FUND

Chapter 5 FIREMEN'S RELIEF FUND				2/1/
FIREMEN'S RELIEF	FUND	-	Amended	21,0

5-1. Recognition of organizations; effect.

5-1. Recognition of organizations; effect.

The Exeter Borough Council hereby recognizes the organization known as the "Exeter Hose Company No. 1" and the "Exeter Park Volunteer Hose Company Firemen's Relief Association" as independent organizations, and it is hereby directed that all money received from the State Treasurer on account of payment of the two (2%) percent tax upon premiums from foreign fire insurance shall forthwith be paid equitably to the aforementioned organizations.

5-1

FIREMEN'S RELIEF FUND

CHAPTER 5

ORDINANCE NO. 2— OF 2010

AMENDING CHAPTER 5-1 OF THE FIREMEN'S RELIEF ACT

WHEREAS, the Borough Council of Exeter is desirous of amending Chapter 5-1 of the Borough Code Firemen's Relief Fund; and

WHEREAS, the Borough of Exeter is desirous of protecting and insuring the health, safety and welfare of its residents; and

WHEREAS, the Borough Council of Exeter is desirous of amending the current Firemen's Relief Fund language in order to appropriately address the needs of Exeter Borough and to maintain the highest standards of safety; and

WHEREAS, the Firemen's Relief Fund Ordinance shall read as follows:

5-1. RECOGNITION OF ORGANIZATIONS; EFFECT.

The Exeter Borough Council hereby recognizes the organizations known as the "Exeter Hose Company No. 1" and the "Exeter Park Volunteer Hose Company Firemen's Relief Association" as independent organizations, and it is hereby directed that all money received from the State Treasurer on account of payment of the two (2%) percent tax upon premiums from foreign fire insurance shall forthwith be paid between the aforementioned organizations at the discretion of Council. The manner and method of distributing these funds will be solely within the discretion of Council.

WHEREAS, this amended Ordinance shall supersede the existing Firemen's Relief Fund Ordinance; and

WHEREAS, if there is any conflicting language between this Amendment and the previous Ordinance, this Amended Ordinance shall control and supersede the previous Ordinances.

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EXETER BOROUGH COUNCIL

 Delia Serbin		
EXETER BOROUGH SECRETARY	PRESIDENT OF COUNCIL	
DATED:, 2010.		
Approved this $\frac{2md}{2}$ day of M	arch_, 2010.	
Canandia Coleman		

	POLICE PENSION FUND
7-1.	Establishment of plan and fund.
7-2.	Chief Administrative Officer.
7-3.	Trustees.
7-4.	Investment.
7-5.	Acceptance of gifts for the fund.
7-6.	Retirement.
7-7.	Retirement benefits.
7-8.	Disability.
7-9.	Health Care.
7-10.	Funding.
7-11.	Refunds.
7-12.	Survivor benefits.
7-13.	Insurance policies.
7-14.	Payments into fund.
7-15.	Actuary.
7-16.	Expenses.
7-17.	Payments not subject to certain legal processes.
7-18.	Fund may be modified.
7-19.	Applicability to state law.
7-20.	Prior plans.
7-1.	Establishment of plan and fund.

as Act 600, its amendments and supplements, a police pension plan and fund for the benefit of all full-time members of the Police Force of the Borough of Exeter. Hereinafter, the Pension Plan shall be known as "the Exeter Borough Police Pension Plan" and the Pension Fund shall be known as "the Exeter Borough Police Pension Fund", hereinafter referred to as "the Plan" and "the Fund" respectively.

7-2. Chief Administrative Officer.

The Treasurer of the Borough of Exeter shall act as Chief Administrative Officer of the Police Pension Plan and Fund. The Borough Treasurer shall be responsible for the administration, management, operation and application of the Plan and Fund including but not limited to those responsibilities placed upon him/her by the Municipal Pension Plan Funding Standard and Recovery Act. The Chief Administrative Officer shall be subject to such regulations as may from time to time be established by Borough Council regarding the care, investment and disposal of any money or property received by the Borough of Exeter in trust for the benefit of the Police Pension Plan and Fund, not inconsistent with this Chapter and applicable law.

7-3. Trustees.

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Borough Council of the Borough of Exeter is hereby authorized to appoint a Trustee or Trustees and to enter into a trust agreement with said Trustee upon such term or terms as Borough Council shall establish, to invest and re-invest the Fund and to make payments out of the Fund in accordance with the provisions of the Plan and Trust Agreement. The Trustee may be a natural person or persons or corporation including a financial institution.

7-4. Investment.

The Borough Council or any Trustee appointed hereunder shall receive from the Borough Treasurer any allocations received by the Borough of Exeter from the Commonwealth of Pennsylvania, from the Borough of Exeter itself, from Police employees and from gifts, grants, devises or bequests made pursuant to Section 7-5 of this Chapter, and shall invest such sums in the manner it deems most beneficial to the Fund so as to provide retirement and other benefits as shall be required by law or by this Chapter where it shall be established from time to time by resolution of the Borough Council of the Borough of Exeter.

7-5. Acceptance of gifts for the fund.

The Borough of Exeter shall be authorized to take by gift, grant, devise or bequest any money or property, real, personal or

mixed, in trust for the benefit of the Plan and Fund, and the care, management, investment and disposal of such Trust Fund or property shall be vested in the Borough Treasurer or Trustee, whoever is responsible for the management of the Exeter Police Pension Plan and Fund, and the said Trust Fund shall be governed thereby subject to such directions not inconsistent therewith as the donors of such Fund and property may prescribe.

7-6. Retirement.

For voluntary retirement on pension, the minimum period of total service shall be an aggregate of twenty-five (25) years in the Police Force of the Borough of Exeter and the minimum age of retirement of members of the Force is hereby fixed at fifty-five (55) years. Retired members of the Force shall be subject to service, from time to time, as a police reserve, in case of riot, tumult or preservation of the public peace until unfitted for such service, when they may be finally discharged by reason of age or disability.

7-7. Retirement benefits.

- A. Upon retirement, a police employee shall receive a monthly pension equal to one-half (1/2) of his or her average monthly salary for the last thirty-six (36) months of employment prior to his or her retirement.
- B. The term "salary", as used in this Section and in this Chapter, shall mean the fixed, stated amount which is paid at periodic intervals. The term "salary" excludes overtime earnings and other types of compensation which do not constitute fixed amounts paid at periodic intervals. It is the intention of the Borough of Exeter that the pension benefits paid under this Chapter shall be consistent with the statutory and decisional law of the Commonwealth of Pennsylvania at the time a Police Officer is first entitled to receive such benefits.
- C. The Borough of Exeter hereby establishes length of service increments for members of the Police Force presently receiving retirement benefits and for those who will retire in the future as follows:
 - (1) The length of service increments shall be determined and based upon the number of completed years of service beyond twenty-five (25) years of each individual member receiving retirement benefits.
 - (2) Each member shall be entitled to a monthly length of service increment in the amount of twenty (\$20.00)

POLICE PENSION FUND dollars for each completed year of service beyond 1 2 twenty-five (25) years. 3 The total amount of length of service increments to 4 (3) 5 be paid to any retired member shall not exceed one 6 hundred (\$100.00) dollars per month. 7 8 (4) The length of service increments apportioned and paid to each individual retired 9 10 member in equal monthly payments. 11 The length of service increments shall not impair 12 (5) the actuarial soundness of the Pension Fund. 13 14 The pension of any police officer completing twelve (12) 15 years of total service credited to the service requirements 16 of this Chapter shall vest at the option of the police 17 officer as follows: 18 19 (1) 20 completion of twelve 21 22 23 24 25 26 (2) 27

The vesting option shall be exercised after the (12) years of full time service, by written notice given by the police officer within ninety (90) days of the date he ceases to become a full time police officer.

shall

- Upon reaching the date which would have been his superannuation retirement date if he had continued to be employed as a full time police officer, he shall be paid a partial superannuation retirement allowance determined by applying the percentage of his years of service bears to the years of service which he would have rendered had he continued to work until his superannuation retirement date to the gross pension, using however, the monthly average salary during the appropriate period prior to his termination of employment.
- (3) Such pension retirement benefits for any month shall be the sum of clauses (i), (ii) and (iii) of Section 5 of the Act of May 29, 1956 (1955 P.L. 1804, No. from the police pension fund established pursuant to this Act to the extent necessary to bring the total benefits in any month up to his partial superannuation retirement allowance outlined above.

7-8. Disability.

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If, before a police officer shall have attained retirement age, the employment of such police officer with the Borough of Exeter is

terminated by reason of a service connected disability of such police officer as determined by a qualified physician designated by the Borough of Exeter, such police officer shall be entitled to receive in lieu of, and not in addition to the normal monthly retirement benefits a monthly disability pension equal to seventy-five (75%) percent of the average salary of such police officer during the thirty-six (36) months of employment next preceding the date of occurrence of such disability or such shorter period as necessary. Disability as used in this paragraph shall be construed to mean total and permanent disability incurred in service.

7-9. Health Care.

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Any policeman receiving pension benefits under this Chapter may remain on the Borough's Blue Cross/Blue Shield (i.e. the Blue Cross/Blue Shield plan provided for active police officers) plan until the age of sixty-five (65) and the Borough, from its general fund, shall bear the cost of said retired policeman's Blue Cross/Blue Shield coverage to a maximum of two hundred dollars (\$200.00) per month for each policeman. Each retired policeman shall reimburse the Borough for that portion of his Blue Cross/Blue Shield premium not covered by the Borough pursuant to this section. Said reimbursement to the Borough by the retired policeman shall be made at least five days prior to the date that the Borough's payment to Blue Cross/Blue Shield is due. The Borough shall remove any retired policeman from the Blue Cross/Blue Shield plan if said retired policeman fails to make reimbursement as required herein.

7-10. Funding.

The Plan and Fund established by this Chapter shall be funded in the following order:

- A. By payments made by the State Treasurer to the Exeter Borough Treasurer from the money received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension retirement for police officers; and
- B. By monthly charge against each member of the Force in an amount equal to five (5%) percent of his or her monthly salary. Where positions covered by the Fund are included in an agreement under the Federal Social Security Act, the provisions of 53 P.S. Section 772 shall apply. If an actuarial study shows that the condition of the Police Pension Fund is such that payments into the Fund by members of the Force may be reduced below and the percentage hereinbefore prescribed, or eliminated, contributions by the Borough of Exeter will not be required to keep the Fund actuarially sound, the Borough Council may, on an annual

basis, by ordinance or resolution, reduce or eliminate payments into the Fund by the members of the Police Force and may re-establish or increase required contributions into the Fund when actuarial soundness of the fund so requires.

Because it has been determined by actuarial study that the condition of the Police Pension Fund is presently such that payments into the Fund by members of the Force are not required, as of January 1, 1991, no police officer shall be required to pay contributions to the Fund unless and until Borough Council, pursuant to this section, re-establishes required contributions.

C. When necessary, by annual appropriations made by the Borough of Exeter.

7-11. Refunds.

Any member of the Police Force who, for any reason whatsoever, shall be ineligible to receive a pension after having contributed any monies to the Police Pension Fund shall be entitled to a refund of all such monies paid by him into such Fund plus interest at the rate of five (5%) percent per annum, compounded annually, immediately upon discontinuance of his employment with the Police Force. If such discontinuance is due to death, such money shall be paid to his designated beneficiary or, in the absence thereof, to his estate.

7-12. Survivor benefits.

Survivors benefits shall be paid as follows:

- A. In the event a police officer is killed in service, (i.e. killed in the line of duty) the surviving spouse, or if no spouse survives, or if she or he survives and subsequently dies or remarries, then the child or children under the age of eighteen (18) years of age shall during his or her lifetime or so long as he or she does not remarry in the case of a spouse or until reaching the age of eighteen (18) years in the case of a child or children be entitled to receive a pension calculated at the rate of one hundred (100%) percent of the pension the member would have been receiving had he or she been retired at the time of his or her death.
- B. The surviving spouse of a member of the Police Force who dies after having obtained eligibility to receive a pension benefit, or if no spouse survives or if he or she survives and subsequently dies or remarries then the child or

children under the age of eighteen (18) years of an eligible member of the Police Force shall during his or her lifetime so long as he or she does not remarry in the case of a spouse or until reaching the age of eighteen (18) years in the case of a child or children be entitled to receive a pension calculated at the rate of fifty (50%) percent of the pension the member was receiving or would have been receiving at the time of his or her death.

7-13. Insurance policies.

Such of the foregoing benefits as are provided through insurance policies shall be subject to any customary conditions or exclusions of such policies.

7-14. Payments into fund.

Payments made under the provisions of this Chapter shall be made to the Police Pension Fund, herein provided for, within thirty (30) days of receipt of any appropriations thereto, or monies received from the Treasurer of the Commonwealth or gifts granted to the Fund. The Borough Council shall allocate the contributions from the State Treasurer in accordance with the Municipal Pension Plan Funding Standard and Recovery Act.

7-15. Actuary.

The Borough Council may employ an actuary and may fix his or her compensation.

7-16. Expenses.

The expense of the administration of the Fund including compensation of an actuary, administrator or other appropriate custodian including the payment of monthly retirement allowances shall be paid by the pension fund as provided by the Pennsylvania Municipal Plan Funding Standard and Recovery Act (Act 205 of 1985 Section 102).

7-17. Payments not subject to certain legal processes.

The pension payments herein provided for shall not be subject to attachment, execution, levy, garnishment, or other legal process, and shall be payable only to the member entitled thereto and shall not be subject to assignment or transfer.

7-18. Fund may be modified.

The Borough of Exeter Police Pension Plan and Fund established by this Chapter may be discontinued or modified according to law by

an ordinance duly enacted by the Borough Council.

7-19. Applicability to state law.

It is the intention of the Borough Council of the Borough of Exeter, to establish the Pension Plan and Fund in accordance with the applicable laws of the Commonwealth of Pennsylvania, as amended from time to time.

7-20. Prior plans.

 Any Police Officer whose retirement and pension rights are vested by virtue of any previous ordinance of the Borough of Exeter establishing a police pension plan and fund shall be governed by the terms and conditions of said prior pension plan and fund.

7-8

PART II

GENERAL LEGISLATION

Chap	ter 17
ALARK	BYSTEMS

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- 17-1. Fee for direct communications service.
- 17-2. Fee for police station service.
- 17-3. Fee for fire station service.

17-4. Service charge for false alarms.

17-5. When fees are due.

17-6. Service suspended for nonpayment.

17-7. Prorated fees.

17-8. Yearly period established. amended 7-6-04

17-9. Inspection of system.

17-10. Installation permit required; fee; violations and penalties.

17-11. Liability of the Borough of Exeter.

17-12. Existing systems.

17-1. Fee for direct communications service.

Each and every individual, establishment, partnership, corporation, entity or concern utilizing any direct communications, burglar or fire alarm system connected into the Bureaus of Fire and Police of the Borough of Exeter shall pay annually the amount of one hundred dollars (\$100.00) to the Borough of Exeter for the benefits and advantages received through the use of such systems from the Bureau of Fire and Police. Where the property to be protected is outside the limits of the Borough of Exeter, the fee shall be one hundred fifty dollars (\$150.00).

17-2. Fee for police station service.

Each and every individual, establishment, partnership, corporation, entity or concern utilizing any type of burglar alarm system which, when activated, would cause the phone in the police station to be rung shall pay the annual fee of fifty dollars (\$50.00) to the Borough of Exeter for the benefits and advantages received through the use of such systems from the Police

Department. Where the property to be protected is outside the limits of the Borough of Exeter, the fee shall be one hundred dollars (\$100.00).

17-3. Fee for fire station service.

 Each and every individual, establishment, partnership, corporation, entity or concern utilizing any type of fire alarm system which, when activated, would cause the phone(s) in the fire station(s) to be rung shall pay an annual fee of two hundred dollars (\$200.00) to the Borough of Exeter for the benefits and advantages received through the use of such systems from the Fire Department. Where the property to be protected is outside the limits of the Borough of Exeter, the fee shall be two hundred fifty dollars (\$250.00).

17-4. Service charge for false alarms.

Should any of the burglar or fire alarm systems described in Sections 17-2, 17-3, and/or 17-4 cause more than three (3) false alarms to occur during any twelve month period, then a service charge of twenty-five dollars (\$25.00) per occurrence shall be levied against the owner of said system for each and every false alarm occurring more than three (3) times during the twelve month period. The service charged for false alarms shall be due and payable at the Exeter Borough Municipal Building within thirty days (30) from the date of the mailing of the Notice of Assessment of the charge.

17-5. When fees are due.

The fees required to be paid under the provisions of this chapter shall be payable to the Borough of Exeter on or before July 1st of each year.

17-6. Service suspended for nonpayment.

Any individual, establishment, partnership, corporation, entity or concern who fails to pay the fees required under this chapter within thirty days (30) of the date said fees are due and payable shall have his alarm connection serviced within the municipality suspended until such time as the aforesaid fee for the current year is remitted to the Borough of Exeter. In addition, any individual, establishment, partnership, corporation, entity or concern who fails to pay the service charge for false alarms within thirty days (30) of the date of the mailing of the Notice of Assessment of the service charge shall have his alarm connection serviced within the municipality suspended until such time as the aforesaid service charge is remitted to the Borough of Exeter.

17-2

EXETER BOROUGH ORIDINANCE NO. of 2004

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AMENDING AN ORDINANCE IMPOSING FOR THE COLLECTION OF FEES, ENFORCEMENT OF FEES, AND THE ESTABLISHMENT OF A YEARLY PERIOD WHEN FEES ARE DUE WITHIN THE BOROUGH OF EXETER UPON EACH AND EVERY INDIVIDUAL, ESTABLISHMENT, PARTNERSHIP, CORPORATION, ENTITY OR CONCERN UTILIZING ANY DIRECT COMMINICATIONS, BURGLAR OR FIRE ALARM SYSTEM CONNECTED INTO THE BOROUGH OF EXETER FIRE DEPARTMENT AND/OR THE BOROUGH OF EXETER POLICE DEPARTMENT PURSUANT TO CHAPTER 17, ALARM SYSTEMS.

WHEREAS, AN ORDINANCE ADOPTED, IMPOSING FOR THE COLLECTION OF FEES, ENFORCEMENT OF FEES, AND THE ESTABLISHMENT OF A YEARLY PERIOD WHEN FEES ARE DUE WITHIN THE BOROUGH OF EXETER UPON EACH AND EVERY INDIVIDUAL, ESTABLISHMENT, PARTNERSHIP, CORPORATION, ENTITY OR CONCERN UTILIZING ANY DIRECT COMMINICATIONS, BURGLAR OR FIRE ALARM SYSTEM CONNECTED INTO THE BOROUGH OF EXETER FIRE DEPARTMENT AND/OR THE BOROUGH OF EXETER POLICE DEPARTMENT; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH". IS DESIROUS OF AMENDING CERTAIN PROVISIONS OF CHAPTER 17, SPECIFICALLY, SECTION 17-8;

NOW, THEREFORE, THE LANGUAGE OF CHAPTER 17-8 SHALL READ:

Section 17-8 Yearly period established

For the purposes of this Chapter, the year or current year shall be intended to mean the twelve month period commencing January 1st of each calendar year and ending June 30th of each calendar year.

SHOULD ANY PORTION WHATSOEVER OF THIS ORDINANCE BE HELD INVALID OR UNENFORCEABLE FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED SEVERABLE, BUT ONLY TO THE EXTENT OF SUCH HOLDING AND SUCH HOLDING SHALL NOT EFFECT THE REMAINING PORTIONS OF THIS ORDINANCE.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH BE THE SAME OR HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT Guly 6th, 2004.

ORDAINED AND ENACTED INTO LAW THIS DAY O	OF
ATTEST: Delb BOROUGH SECRETARY APPROVED THIS 6 th DAY OF July, 2004. MAYOR	

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49 50 17-7. Prorated fees.

Any individual, establishment, partnership, corporation, entity or concern who shall initiate installation of any such alarm service described in this chapter during the year shall pay on a prorated basis an amount equal to that fractional portion of the year for which he is receiving said service.

17-8. Yearly period established. Gmanded

For the purposes of this chapter, the year or current year shall be intended to mean the twelve month period commencing July 1st and ending June 30th.

17-9. Inspection of system.

The Borough shall, if it deems necessary, have the right to inspect the connection, operation and maintenance of the system and make reasonable charges for such inspections pursuant to the Borough Electrical Code.

17-10. Installation permit required; fee; violations and penalties.

- A. Any individual, establishment, partnership, corporation, entity or concern installing a fire or burglar alarm system described in this chapter shall be required to obtain a permit from the Borough's Street Commissioner prior to installing any such alarm system. The fee for obtaining such a permit is five dollars (\$5.00) made payable to the Borough of Exeter.
- B. In order to obtain such a permit, an application must be submitted to the Street Commissioner stating:
 - (1) Name.
 - (2) Home address and telephone number; business address and telephone number.
 - (3) The location at which the alarm device will be installed and operated.
 - (4) The names and addresses and telephone numbers of at least two individuals who have keys to the premises at which the alarm device is located and who are authorized to enter the premises at any time but who do not reside at the premises at which the alarm device is located.

- (5) A general written description of the device.
- (6) If the device is to be leased or rented from or is to be serviced pursuant to a service agreement by a person other than the person making application, then the name, address and telephone number of that person must be stated in the application.
- C. In addition to the foregoing, each applicant for a permit shall sign a statement which shall be contained on the application which shall read as follows:

"The undersigned applicant(s) for an alarm device permit, intending to be legally bound hereby, agree with the Borough of Exeter that neither the applicant nor anyone claiming by, through or under applicant shall make any claim against the Borough of Exeter, its officials or agents, for any damages caused to the premises in which the alarm device, which is the subject of this Application, is or will be located, if such damages were caused by a forced entry into said premises by employees or agents of the Borough of Exeter in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when, in the discretion of said employees or agents, the circumstances appear to warrant forced entry."

D. Any individual, establishment, partnership, corporation, entity or concern who shall violate any provision of this Chapter shall upon conviction thereof be sentenced to pay a fine of not more than three hundred (\$300.00) dollars and/or imprisonment for a term not to exceed ninety (90) days.

17-11. Liability of the Borough of Exeter.

The issuance of any permit under the provision of this Chapter shall not constitute acceptance by the Borough of Exeter of any liability to maintain any equipment, to answer alarms, or otherwise render the Borough of Exeter liable to any person for any loss or damage relating to the alarm system or procedure.

17-12. Existing systems.

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Notwithstanding any provision of this Chapter, it shall not be unlawful for any person to continue to operate an alarm system upon his premises without an alarm system permit for a period of ninety (90) days after the effective date of this Chapter; provided said alarm device was in operation on the effective date of this Chapter. After said ninety (90) days, a permit for existing alarm

1	systems	must	be	obtained	pursuant	to	the	provisions	of	this
2	Chapter.				_			_		
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		ALCOHOLIC BEVERAGES
1 2 3		Chapter 20 ALCOHOLIC BEVERAGES
4 5	20-1.	Prohibited acts.
6 7 8	20-2.	Permit required.
9 10	20-3.	Conditions for issuance of permit.
11 12	20-4.	Prior violations.
13 14	20-5.	Failure to comply.
15 16	20-1.	Prohibited acts.
17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	А.	carry or transport liquor, wine, beer or other alcoholic beverages in an open container in or upon any public sidewalk, street, lane, highway, parking lot, recreational area or other public property within the Borough of Exeter. Nor shall any person perform any of the foregoing acts on the private property of another without the expressed permission of the owner or owners of that property.
32 33 34 35 36		property within the Borough of Exeter. Nor shall any person perform any of the foregoing acts on the private property of another without the expressed permission of the owner or owners of that property.
37 38 39 40 41 42 43 44 45 46 47	c.	No person, individual, group or association shall distribute, drink or otherwise consume any liquor, wine, beer or other alcoholic beverages in an open container in or upon any public sidewalk, street, lane, highway, parking lot, recreational area or other public property within the Borough of Exeter. Nor shall any person perform any of the foregoing acts on the private property of another without the expressed permission of the owner or owners of that property.
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ALCOHOLIC BEVERAGES

20-2. Permit required.

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 The provisions of this Chapter shall not prohibit any person, individual, group or association from possessing, distributing, drinking or otherwise consuming liquor, wine, beer or other alcoholic beverages in or upon any of the public areas within the Borough of Exeter if that person, individual, group or association shall first obtain a permit as hereinafter set forth.

20-3. Conditions for issuance of permit.

- A. When a permit is required, the said individual, group or association must apply with the Chief of Police of the Borough of Exeter, or his duly authorized representative, no later than three (3) days prior to the date scheduled for the using of alcoholic beverages.
- B. When a permit is required, the said individual, group or association or duly authorized representative must expressly agree in writing to assume full responsibility for supervising the conduct of said group or individual as benefiting from such permit and to properly clean up and restore the premises after use to their prior condition.
- C. When a permit is required, the said individual, group or association must further agree in writing that adequate precautions shall be taken to insure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.
- D. When a permit is required, the said individual, group or association shall agree in writing that no alcoholic beverages will be distributed or consumed other than on the specific premises and on the specific date and times described in the permit.
- E. When a permit is required, the said individual, group or association shall agree in writing that no alcoholic beverages as above-described shall be sold, furnished or given to any person visibly intoxicated, or to any insane person or to habitual drunkards or to persons of known intemperate habits.
- F. When a permit is required, the said individual, group or association shall agree in writing to indemnify and save the Borough of Exeter, its officials, agents and employees harmless from any liability for damages which results from the distribution or use of alcoholic beverages as authorized by the permit.

ALCOHOLIC BEVERAGES

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Prior violations.

Failure to comply.

Chapter shall constitute a separate offense.

No permit will be issued to any individual, group or association which has previously been issued a permit and has failed to comply with the provisions thereof.

three hundred (\$300.00) dollars plus costs of prosecution or to a term of imprisonment, the maximum of which shall be not more than

thirty (30) days. Each day that alcoholic beverages are possessed,

consumed, sold or distributed contrary to the provisions of this

The violation of any of this Chapter shall be punishable by fine of not less than twenty-five (\$25.00) dollars nor more than

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AMUSEMENTS

1 2 3		Chapter 23 AMUSEMENTS
4 5 6		ARTICLE I Coin-Controlled Devices
7 8	23-1.	Definitions.
9 10	23-2.	License required.
11 12	23-3.	Fees; license year; transfer of license.
13 14	23-4.	Inspections of licensed devices.
15 16	23-5.	Exhibition of license; suspension; unearned fee.
17 18	23-6.	Violations and penalties.
19 20	23-7.	License fee payment.
21 22	23-8.	Disposition of monies.
23 24		ARTICLE I
25 26		Coin-Controlled Devices
27		
28	23-1.	Definitions.
29 30	λc	used in this Chanton the following terms shall have the
31 32		used in this Chapter, the following terms shall have the s indicated:
32 33	COIN-CO	NTROLLED AMUSEMENT DEVICE - Any machine which upon the
34	inserti	on of a coin or slug operates or may be operated for use as
35	a game.	contest or amusement of any description, and includes but
36	is not	limited to pinball machines, video arcade machines, those
37	machine	es commonly known as bagatelle, baseball or pin amusement
38	machine	s, photoelectric shooting or target machines, and any other
39	coin co	ntrolled device used as a game of skill or amusement.
40		•
41	COIN-CO	NTROLLED AUTOMATIC MUSIC DEVICE OR RECORD PLAYING MACHINE -
42	Any mac	hine, device or instrument which upon insertion of a coin or
43	slug, c	pperates or may be operated to play music from a record or
44	other s	ound or music-making device or by any means whatsoever.
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46	23-2.	License required.
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48	It	shall be unlawful for any person or persons, firms or
49	corpora	tions, either as principal or agent (hereinafter called
50	"operat	or"), to operate, cause to operate or permit to continue to

AMUSEMENTS

be operated for commercial purposes, if within his or her control anywhere within the Borough of Exeter whether on public or private property any coin controlled automatic music device or record playing machine or any pinball machine, video arcade machine, or any other coin controlled amusement device without first having obtained a license therefore from the Mayor of the Borough of Exeter.

23-3. Fees; license year; transfer of license.

A. The operator shall pay for a license:

(1) For a coin controlled automatic music device or record playing machine, Seventy-five (\$75.00) dollars per year.

(2) For any other coin controlled amusement device, one hundred (\$150.00) dollars.

B. The license year shall be from February 1st of each year to January 31st of the succeeding year.

 C. Licenses shall not be transferrable from one owner to another, but it shall not be required that a new license be secured when one machine is replaced by another, so long as the operator is licensed to operate the total number of machines in his place of business.

23-4. Inspections of licensed devices.

The members of the police department, under the direction of the Mayor, shall make periodic inspections of machines licensed under this Chapter.

23-5. Exhibition of license; suspension; unearned fee.

 The license granted as hereinbefore provided, shall be exhibited on such machines so as to be clearly visible at all times and the Mayor may, after affording a hearing to the licensee, of which said hearing the licensee shall have at least forty-eight (48) hours notice, suspend any license herein granted when he deems it to be of benefit to the public health, safety or morals to do so, and when a license is suspended, that portion of the license fee which is unearned shall be returned to the operator.

23-6. Violations and penalties.

Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction thereof, be punished by a fine of not more than three hundred (\$300.00) dollars and costs of

AMUSEMENTS

prosecution and on default in payment of the fine	
imprisonment in the County jail for a term not e	xceeding thirty
(30) days, and each day that any machine or device	under the terms
of this Chapter shall be operated in violation	n hereof shall
constitute a separate and distinct offense and shall	1 be subject to
separate and distinct penalties hereunder.	_

23-7. License fee payment.

 The full license fee required to be paid under the terms of this Chapter shall be paid whether the device to be licensed is in operation for the full year or any portion of that year. A return of a license fee shall only be permitted if said license is suspended by the Mayor as provided above.

23-8. Disposition of monies.

All monies collected under this Chapter shall be deposited with the Borough Treasurer.

ORDINANCE NO. OF 2002

AN ORDINANCE ADDING TO THE OFFICIAL ORDINANCE BOOK OF THE BOROUGH OF EXETER, CHAPTER 23, AMUSEMENTS ARTICLE 2 ADOPTING AN AMUSEMENT ADMISSION TAX, PROVIDING DEFINITIONS, IMPOSITION TAX, REPORTING, PENALTIES AND POWERS AND DISPOSITION OF MONIES THEREOF

AMUSEMENT ADMISSIONS

Section 23-9		Definitions and Word Usage.
Section 23-10	smerelial 1-63	Imposition of Tax.
Section 23-11		Liability for Collection.
Section 23-12	•	Reports; Bonds, Interest.
Section 23-13		Penalty for Unpaid Taxes.
Section 23-14		Powers of Tax Collector.
Section 23-15		Estimation of Tax.
Section 23-16		Disposition of Moneys.

WHEREAS, it is necessary that the revenues of the Borough of Exeter, a political subdivision located in Luzerne County, Pennsylvania be increased in order to fund the increasing expenses of operating and maintaining the business of the Borough as a result of increased demands for services; and

WHEREAS, the council of the Borough of Exeter has, in its collective judgment as the governing official body of the Borough, determined that the imposition of an Amusement Tax on certain amusements, as official in the Ordinance, is a realistic and practical method of meeting such increased expenses for services; and

WHEREAS, the Borough of Exeter authorized and empowered to impose such an Amusement Tax on all amusements, as defined in the Ordinance, is a realistic and practical method of meeting such increased expenses; and

WHEREAS the Borough of Exeter is authorized and empowered to impose such an Amusement Tax for the benefit of the Borough pursuant to <u>The Local Tax Enabling Act.</u> 53 P.S. 6901 et seq.

NOW THEREFORE, be it Resolved, Ordained and Enacted by The Borough of Exeter, Luzerne County, Pennsylvania, and it is hereby Ordained and Enacted as follows:

SECTION 23-9 Definitions and Word Usage.

A. Definitions. As used in this Article, the following terms shall have the meanings indicated:

ADMISSIONS - The amount which must be paid in order to gain entrance into a place of amusement.

AMUSEMENT - Those certain manners and forms of entertainment, specifically circuses, carnivals, rodeos, and side shows, including forms of entertainment at fairgrounds and amusement parks; and certain athletic contests and activities, namely golf, hockey, boxing, wrestling, sparring, horse racing, bowling and shooting

ORDINANCE NO. / OF 2003

AN ORDINANCE AMENDING THE OFFICIAL ORDINANCE BOOK OF THE BOROUGH OF EXETER, CHAPTER 13, AMUSEMENTS ARTICLE 11 AMUSEMENT TAX ORDINANCE

It is hereby ordained that Ordinance No. 8 of 2002 is hereby amended to provide that the Official Ordinance Book of the Borough of Exeter, Chapter 23, Amusement Article II, Amusement Tax Ordinance Section 23.10, Imposition of Tax is hereby amended to provide that the rate of tax shall be five percent (5%). This amendment shall be effective January 1, 2003.

MEMBERS PRESENT:

7

MEMBERS VOTING YES

7

MEMBERS VOTING NO.

ORDAINED AND ENACTED INTO LAW THIS 3th day of June, 2003.

RICHARD MURAWSKI

President of Council

Attest:

DEBRA SERBIN.

Secretary

I, Joseph Coyne, Mayor, hereby approve/veto this Ordinance.

galleries and all related shows, exhibitions, contests, displays and games specifically named herein, where admissions, fees, charges, donations, contributions or monetary charges of any character, from the general public or a limited or selected number thereof, is derived directly or indirectly in return for attending. "Amusement" shall not for the purpose of this Ordinance, include the following, which shall not be taxable hereunder: any form of entertainment sponsored by and from which the proceeds thereof, after payment of reasonable expenses, inure to the benefit of religious, educational or charitable institutions, societies, or organizations; properly chartered volunteer fire companies; or volunteer police or civil defense organizations.

PERSON - Every natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or both, the term "person", as applied to partnerships or associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof.

PLACE OF AMUSEMENT - Any place, indoors or outdoors, within the limits of the Borough of Exeter, where the general public or a limited or selected number thereof may attend, upon the payment of an established price, any amusement as herein defined, including among others, amusement parks or stadiums, arenas, parks, circus or carnival tents or circus or carnival grounds, fairgrounds, golf courses, and driving ranges, social, sporting or athletic clubs, rifle or shotgun ranges or galleries.

PRODUCER - Any person, as herein defined, conducting any place of amusement, as herein defined, where the general public or a limited selected number thereof may, upon the payment of an established price, attend any amusement.

TAX COLLECTOR - The Tax Collector of the Borough of Exeter

B. Word Usage - The singular shall include the plural and masculine shall include the feminine and the matter.

Section 23-10 Imposition of Tax.

A. A tax is hereby imposed upon the admission fee to any place of amusement at the rate of ten percent (10%) of the established price charged the general public, or a limited or selected group thereof, by an producer, promoter, , firm or entity which shall be paid by the person acquiring the privilege of attending such place of amusement. In the

case of golf courses and bowling alleys the tax base upon which the tax shall be levied shall not exceed forty percent (40%) of the greens fee or charge for using the bowling lane.

- B. In the case of persons, except bona fide employees of a producer or municipal or state officers on official business or totally blind persons, who are admitted free or at reduced rates to any place of amusement, at a time when and under certain circumstances under which an established price is charged to other persons, the tax imposed by this Article shall be computed on the established price charged to such other persons of the same class for the same or similar accommodations and shall be paid by the person so admitted.
- C. In the case of a person having permanent use of a box or seat in any place of amusement or a lease for the use of said box or seat in such place of amusement, the tax imposed by this Article shall be computed on the established price for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder, and such tax shall be paid by the lessee or holder.
- D. In the case of a person having a permanent or seasonal pass, club membership, fee, privilege or admission to an amusement at such place of amusement, the tax imposed by this Article shall be computed on the established price for such seasonal or permanent pass, membership, fee, privilege or admission price charged to such other persons of such class or for such similar privilege.

Section 23-11 Liability for Collection

- A. Producers shall collect the tax imposed by this Article and shall be liable to the Borough of Exeter as agents thereof, for the payment of the same into the Borough Treasury or general funds through the Tax Collector, as hereinafter provided in this Article.
- B. Where permits are obtained for conducting temporary amusements by persons who are not the owners, lessees or custodians of the place where the amusements are to be conducted, or where the temporary amusement is permitted by the owner, lessee or custodian of any place of amusement to be conducted without the procurement of a permit or permits required by this Article, the tax imposed by this Article shall be paid by the owner, lessee or custodian of such place where the temporary amusement is held or conducted, unless paid by the producer conducting the amusement.

Section 23-12 Report; bonds; interest.

A. For the purpose of ascertaining the amount of tax payable by the producers to

the Borough of Exeter, it shall be the duty of:

- (1) Every producer, except as hereinafter provided, conducting a place of amusement, on or before the 20th day of each month, to transmit to the Tax Collector, a report under oath or affirmation of the amount of tax collected by him during the preceding month, unless the Tax Collector shall deem the tax to be in jeopardy, in which case he shall collect the tax after each affair or at any time.
- (2) Every producer conducting a temporary place of amusement or itinerant form of amusement to post a cash or surety bond with the Tax Collector in an amount equal to the amount of the tax estimated by the Tax Collector and to file a report with the Tax Collector, or any duly authorized agent thereof, promptly after each show or performance. The Tax Collector may require any producer who is not making timely payment of his tax obligation to file a cash or surety bond in a reasonable amount and failure to post such a bond will automatically revoke the producer's license to operate such place of amusement.
- B. All reports required under this section shall show such information as the Tax Collector shall prescribe.
- C. Every producer, at the time of making every report required by the section, shall compute and pay to the Tax Collector the taxes collected by him and due the Borough of Exeter during the period for which the report is made. The amount of all taxes imposed under the provisions of this Article shall, in the case of permanent places of amusement, be due and payable on the first day of each month, unless the Tax Collector deems the tax to be in jeopardy, in which case he shall collect the tax at any time, and, in the case of itinerant forms of amusement, it shall be due and payable on the day the reports in such cases are required to be made under this section. All such taxes shall bear interest at the rate of ten percent (10%) per month, or fractional part of a month, from the date they are due and payable until they are paid.

Section 23-13 Penalty for unpaid taxes.

If any producer shall neglect or refuse to make any report and payment as herein required, an additional ten percent (10%) of the amount of the tax due shall be added by the Tax Collector and collected. All such taxes together with costs of suit and any penalties thereon shall be recoverable by the Borough Solicitor as other debts of like amount are not by law revocable.

Section 23-14 Powers of Tax Collector.

If the Tax Collector is not satisfied with the report and payment of the tax made by

any producer under the provisions of this Article, he is hereby authorized and empowered to make a determination of the tax due by such producer based upon the facts contained in the report or upon any information within his possession or that shall come into his possession. For this purpose the Tax Collector is authorized to examine the books, papers, ticket stubs and records of any producer, taxable under this Article, to verify the accuracy of any report or payment made under the provisions thereof and to ascertain whether the taxes imposed by this Article have been paid.

Section 23-15 Estimation of tax.

If any producer shall refuse or neglect to make any payment of the tax required by this Article of if, as a result of an investigation by the Tax Collector, a report is found to be incorrect, the Tax Collector shall estimate the tax due by such producer and shall determine the amount due by him for taxes, penalties and interest thereon.

Section 23-16 Disposition of moneys.

All taxes, interest and penalties received, collected or received under the provisions of this Article shall be paid into the treasury or general funds of the Borough of Exeter for the use and benefit of the Borough of Exeter.

ORDAINED AND ENACTED this / Day of November, 2002 by the Council of Exeter Borough.

Members present ___

Voting in favor

Voting Against

7

7

RICHARD MURAWSKI, President

Exeter Borough Council

I Joseph Coyne approve veto this Ordinance

2002

ANIMALS

Chapter 26

ANIMALS

Keeping restricted; poisonous reptiles prohibited.

Public institutions and private enterprises.

Enclosures; shelters; sanitation.

Definitions.

Leashing.

Nuisance.

26-1.

26-2.

26-3.

26-4.

26-5.

26-6.

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16		7.5.5.
17	26-7.	Violations and penalties.
18		
19	26-8.	Effect.
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21		
2.2	26-1.	Definitions.
23		
24		s used in this Chapter, the following terms shall have the
25	meani	ngs indicated:
26		and the second s
27	H	EALTH OFFICER - The Director of the State, County or Borough
28	H	ealth Department, or his authorized agent.
29		
30	K	EEPER or PERSON - Any individual, firm or corporation owning,
31	k	eeping, having, using or maintaining any of the animals herein
32	r	eferred to.
3.3		
3.4		ATPROOF - A state of being constructed so as to effectively
35	p	revent entry of rats.
36	_	
37	S	ANITARY - Any condition of good order and cleanliness which
38	g	recludes the probability of disease transmission.
39	-	
40	S	MALL ANIMALS - Dogs, cats, rabbits, hares, guinea pigs,
41	C	hinchillas, chickens, turkeys, geese, ducks, hamsters, pigeons
42	ſ	except homing pigeons), rats and mice.
43	`	through the second of the seco
44	26-2.	Keeping restricted; poisonous reptiles prohibited.
45		
4.6	Δ	. It shall be unlawful for any person to keep, own or
47		maintain, use or have in his possession any animals as
		defined in this Chapter, within the corporate limits of the
4.8		Borough of Exeter, except that such animals may be kept
49		under the conditions hereinafter set forth.
50		MUGET CHE COUNTITIONS HELETHATOOT PAGE TOTOM.
		26-1
		20-1

ANIMALS

В.	No person shall keep or maintain within the limits of the Borough of Exeter any poisonous snake or other poisonous reptile under any circumstances whatsoever.			
26-3.	nclosures; shelters; sanitation.			
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The following practices shall be observed in the keeping of said animals under this Chapter:

A. Required enclosure.

- (1) Every keeper of any said animals shall confine the same in any enclosure sufficient to prevent their running at large, and such enclosure shall be maintained in a clean, sanitary condition at all times, and an approved insecticide shall be used as often as deemed necessary by the Health Officer.
- (2) Said enclosures shall be constructed at a distance of not less than thirty (30) feet from any dwelling house.
- B. Every keeper shall provide a shelter or area of a size sufficient to be conducive to good sanitation practices, and said keeper shall provide adequate and sanitary drainage for the shelter or area.

C. Disposal of litter.

- (1) Every keeper of any said animals shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such a type, that when closed it is ratproof and fly tight, and after each such collection shall cause such container or receptacle to be kept closed.
- (2) At least twice a week each such keeper shall cause all litter and droppings so collected to be disposed of in such way as not to permit the presence of fly larvae.
- D. Every keeper of any said animals shall cause all feed provided therefore to be stored and kept in a ratproof, fly tight building, box, container or receptacle.

26-4. Leashing.

No keeper or custodian of a dog, whether licensed or not, or of a cat shall suffer or permit such animal to go or be off the premises owned by or in the possession of such person unless the

ANIMALS

dog or cat shall be accompanied by a person who is capable of controlling such animal and who has the animal securely confined and controlled by an adequate leash not more than six (6) feet long.

26-5. Nuisance.

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 It shall be the duty of the keeper of animals provided for in this Chapter to maintain and operate the housing and keeping of such animals in such a manner as not to create a nuisance as determined by any court of competent jurisdiction.

26-6. Public institutions and private enterprises.

Medical laboratories, educational institutions, veterinary hospitals, pet shops or other similar activities shall keep and maintain animals under the same conditions prescribed by this Chapter and with the distance and structural requirements herein set forth.

26-7. Violations and penalties.

Any person violating any of the provisions of this Chapter shall upon conviction thereof, be punishable by a fine not exceeding three hundred (\$300.00) dollars and costs of prosecution, and on default in payment of the fine and costs, by imprisonment in the County jail for a term not exceeding ninety (90) days.

26-8. Effect.

This Chapter shall be cumulative of all other sanitary ordinances or regulations of the Borough of Exeter unless in conflict with the terms of said ordinances and regulations, in which case the terms of this Chapter shall prevail.

AN ORDINANCE AMENDING THE EXETER BOROUGH CODE AMENDING CHAPTER 26, ANIMALS, BY ADDING THE FOLLOWING SECTIONS:

SECTION 26 - C (3)

An Ordinance of the Borough of Exeter amending Chapter 26 Section 26 - C (3) Miscellaneous Provisions by adding the following:

Article 3 Enclosure, Shelters and Sanitation:

No person shall allow an animal's droppings to remain on public property or any private property and the droppings must be collected of immediately in a receptacle of such a type that when closed, it is ratproof and fly tight and disposed of in such a way as to not permit the presence of fly larvae.

This Ordinance shall become effective as of

ENACTED AND ORDAINED this 10TH Day of November, 1998

CHAIRMAN

ATTEST:

BOROUGH SECRETARY

Approved this

Day of November, 1998.

MAYOR

EXETER BOROUGH ORDINANCE NO. 3 of 2007

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, IMPOSING A RESTRICTION ON ALL PERSONS WITHIN THE BOROUGH OF EXETER FROM HOUSING, POSSESSING, TRANSPORTING, TREATING, BREEDING, AND/OR TRAINING ANY EXOTIC ANIMALS WITHIN THE BOROUGH LIMITS OF EXETER.

WHEREAS, AN ORDINANCE ADOPTED, IMPOSING A RESTRICTION ON THE POSSESSION OF EXOTIC ANIMALS BY ANY PERSONS INSIDE THE BOUNDARY LIMITS OF THE BOROUGH OF EXTER PROVIDING FOR PENALTIES ON ANY INDIVIDUALS WHO VIOLATE SAID ORDINANCE; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF PLACING THESE RESTRICTIONS ON ANY PERSONS WITHIN THE BOROUGH LIMITS OF EXETER BASED UPON CONCERN FOR THE HEALTH, SAFETY AND WELFARE OF ALL BOROUGH RESIDENTS AND ALL PERSONS WITHIN THE BOROUGH LIMITS OF EXETER;

NOW, THEREFORE, THE LANGUAGE OF SAID ORDINANCE SHALL READ:

SECTION 1.

- A. EXOTIC ANIMALS ARE BANNED WITHIN THE BOROUGH LIMITS OF EXETER.
- B. NO PERSON OR PERSONS IS ALLOWED TO POSSESS, HOUSE, TRANSPORT, TREAT, BREED, AND/OR TRAIN ANY EXOTIC ANIMALS WITHIN THE BOROUGH LIMITS OF EXETER.
- C. THIS BAN APPLIES TO ALL RESIDENTS OF EXETER. THIS BAN APPLIES TO ALL PERSONS WITHIN THE BOROUGH OF EXETER WHO ARE NOT RESIDENTS BUT ARE PHYSICALLY WITHIN THE BOUNDARY LIMITS OF THE BOROUGH OF EXETER.

SECTION 2. - DEFINITIONS

A. EXOTIC ANIMALS SHALL BE DEFINED THE SAME WAY IT IS DEFINED BY THE PENNSYLVANIA GAME COMMISSION AND THE PENNSYLVANIA FISH COMMISSION IN THE PENNSYLVANIA CODE.

SECTION 3. - SPECIAL EXEMPTIONS

- A. IF ANY PERSON OR PERSONS WITHIN THE BOROUGH LIMITS OF EXETER ARE DESIROUS OF OBTAINING A SPECIAL USE PERMIT SO THAT AN EXOTIC ANIMAL CAN BE PERMITTED WITHIN THE EXTER BOROUGH LIMITS, SAID INDIVIDUAL MUST OBTAIN A SPECIAL USE PERMIT FROM THE POLICE CHIEF OF EXETER BOROUGH OR HIS DESIGNEE.
- B. SPECIAL USE PERMITS MUST BE OBTAINED THIRTY (30) DAYS IN ADVANCE OF THE DATE THE EXOTIC ANIMAL WILL BE WITHIN THE EXETER BOROUGH LIMITS.

SECTION 4. - PENALTIES

A. ANY PERSON IN VIOLATION OF THIS ORDINANCE SHALL PAY A FEE OF THREE HUNDRED (\$300.00) DOLLARS PER DAY FOR EACH DAY IN VIOLATION AND BE SUBJECT TO THIRTY (30) DAYS IMPRISONMENT.

SHOULD ANY PORTION WHATSOEVER OF THIS ORDINANCE BE HELD INVALID OR UNENFORCEABLE FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEHMED SEVERABLE, BUT ONLY TO THE EXTENT OF SUCH HOLDING AND SUCH HOLDING SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE.

ALL ORDNANCES OR PARTS OF ORDINANCES INCONSTITENT HEREWITH BE THE SAME ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT Jelrucy 6, th, 2007

ORDAINED AND ENACTED INTO LAW THIS 6 DAY OF Fele, 2007.

ATTEST:

BOROUGH SECRETARY

EXETER BOROUGH COUNCIL

PRESIDENT OF COUNCIL

APPROVED THIS 6 DAY OF Jelreary, 2007.

MAYOR

BRUSH, GRASS AND WEEDS

Chapter 29 BRUSH, GRASS AND WEEDS

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- 29-1. Prohibited vegetation; declarations of nuisance.
- 29-2. Duty of owner or occupant.
- 29-3. Notice to remove; removal by Borough; costs.

29-4. Violations and penalties.

29-5. Owners severally responsible.

29-6. Remedies not mutually exclusive.

GENERAL REFERENCES

Garbage, rubbish and refuse - See Ch. 66 Littering - See Ch. 82

29-1. Prohibited vegetation; declarations of nuisance.

No person, firm or corporation owning or occupying any property within the Borough of Exeter shall permit any grass, weeds or any vegetation whatsoever, no edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of ten (10) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

29-2. Duty of owner or occupant.

The owner of any premises, as to vacant premises or premises occupied by the owner, or the occupant thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of Section 29-1 of this Chapter.

29-3. Notice to remove; removal by Borough; costs.

A. The Borough Council or any officer or employee of the Borough designated thereby for this purpose is hereby authorized to give notice, by personal service or by United

BRUSH, GRASS AND WEEDS

States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of Section 29-1 of this Chapter, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Chapter within ten (10) days after issuance of such notice.

B. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the Borough from such person, firm or corporation in the manner provided by law.

29-4. Violations and penalties.

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Any person, firm or corporation who or which shall violate, fail, neglect or refuse to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred (\$300.00) dollars and costs of prosecution, and on default in payment of the fine and costs, by imprisonment in the County jail for a term of not more than thirty (30) days. Each day's violation shall constitute a separate offense, and notice to the offender shall not be necessary in order to constitute an offense.

29-5. Owners severally responsible.

If the premises are owned or occupied by more than one individual, each owner or occupant shall severally be subject to prosecution for the violation of this Section.

29-6. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this Chapter, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of Borough Council.

BUILDING CONSTRUCTION

Chapter 33 BUILDING CONSTRUCTION

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- 33-1. Adoption of Building Code.
- 33-2. Additions, insertions, changes and deletions.
- 33-3. State laws and regulations.

GENERAL REFERENCES

Sewers - See Ch. 115

33-1. Adoption of Building Code. - Amende 5/04

That a certain document, three copies of which are on file in the Office of the Borough Secretary of the Borough of Exeter being marked and designated as "BOCA National Building Code" as published by the Building Officials and Code Administrators, Inc. be and the same is hereby adopted as the Building Code of the Borough of Exeter for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code are hereby referred to, adopted and made a part hereof as if fully set forth in this Section, with the additions, insertions, deletions and changes if any prescribed in Section 33-3 of this Chapter.

33-2. Additions, insertions, changes and deletions.

The following sections are hereby revised as follows:

Section 100.1 - the Borough of Exeter is the name of the jurisdiction.

Section 103.4 - this Section includes all buildings existing prior to April 4, 1990.

Section 109.2 - is hereby amended to read as follows: "109.2 Appointment: The code officials shall be appointed by Borough Council to serve during the pleasure of Borough Council."

Section 109.4 - is hereby amended to read as follows: "109.4 Deputy: During temporary absence or disability of the code official, Borough Council may designate an acting code official."

"The Team That's Getting Results"

Richard Murawski, Chairman
Daniel A. DeRöberto, Vice Chariman
Joseph Pizano
Denise Adams
Joseph Esposito
P.J. Pribula
Richard Turner

Joseph F. Coyne, Mayor Debra Serbin, Secretary-Treasurer (570) 654-3001

RESOLUTION 3-2007

EXETER BOROUGH COUNCIL

AND NOW, BE IT RESOLVED, that it is the intent of the Exeter Borough Council to Amend section 114-3-1 of the borough code to include a building re-inspection fee of \$60.00 for all re-inspections of any residential or commercial buildings, beginning with the second (2) re-inspection of any such structure by the code enforcement officer. Re-inspections fees charged by private electrical and mechanical third party inspections shall be according to their fee schedules.

BE IT FURTHER RESOLVED, that this resolution is in full force and effect until official action is taken by the Exeter Borough Council to indicate otherwise.

Debra Serbin

Secretary/Treasurer

Richard A. Murawski

Council Chairman

BUILDING CONSTRUCTION

Section 114.3.1 - shall be amended to read as follows: "114.3.1 Fee Schedule: A fee for each plan examination, building permit and inspection shall be as previously established by Borough Council of the Borough of Exeter by resolution or ordinance. Said fees may be changed at any time by resolution of Borough Council."

Section 117.4 - shall be amended to read as follows: "117.4 Violation; Penalties: Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code shall be guilty of a summary offense, punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed as a separate offense."

Section 118.2 - shall be amended to read as follows: "118.2 Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine not exceeding one thousand dollars (\$1,000.00) and in default of payment, imprisonment for a term not to exceed thirty (30) days."

Section 123.3 - for purposes of this Chapter the amount will be one hundred fifty dollars (\$150.00).

Section 124.2 - shall be amended to read as follows: "124.2 Membership of the Board: The Code Hearing Board shall sit as the Board of Appeals."

Sections 124.2.1, 124.2.2, 124.2.3, 124.2.5, and 124.2.6 - are hereby deleted in their entirety for the purposes of this Chapter.

Section 124.3 - is hereby amended to read as follows: "124.3 Notice of Meeting: The Board shall meet upon notice of the Chairman at a date occurring at least ten (10) days after the filing of an appeal, or at such earlier time as the Chairman may designate."

Section 124.4.1 - shall be amended to read as follows: "124.4.1 Procedure: Presentation of evidence before the Board of Appeals shall not require compliance with strict rules of evidence except that only relevant information shall be received."

Section 124.5 - shall be amended to read as follows: "124.5 Quorum: At least two members of the Board of Appeals must be present to constitute a quorum and to hear and act upon the

BUILDING CONSTRUCTION

appeal."

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Section 124.6 - is amended to read as follows: "124.6 Board Decision: The Board shall modify or reverse the decision of the Code Officials by a concurring vote of a majority of the members of the Board of Appeal present. In no event, however, shall the Board modify or reverse the decision of the Code Official by a concurring vote of less than two members."

Section 2906.1 - shall be amended to read as follows: "2906.1 Filing: A person shall not erect, install, remove, rehang or maintain over a public property any sign for which a permit is required under the provisions of this Code until an approved bond shall have been filed in the sum of one thousand dollars (\$1,000.00) as herein required or until an insurance policy shall have been filed for a public liability in the amount of ten thousand dollars (\$10,000.00) per accident for property damage in the amount of five thousand dollars (\$5,000.00) as herein required."

33-3. State laws and regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control whether requirements thereof are the same or in excess of the provisions of this Chapter. The Code shall control in all cases where the State requirements are not as strict as those contained in this Chapter.

Chapter 33

ORDINANCE

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of this Municipality and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"); and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

- 1. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.
- 2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.
- 3. Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:
 - By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
 - By the retention of one or more construction code officials or thirdparty agencies to act on behalf of the Municipality;
 - By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
 - d. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality;

- e. By entering into an agreement with the Pennsylvania 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.
- 4. A Board of Appeals shall be established by resolution of the governing body of this Municipality 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.
- 5.a. All building code ordinances or portions of ordinances which were adopted by this Municipality 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.
- b. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
- c. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.
- 6. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.
- 7. This ordinance shall be effective five days after the date of passage of this ordinance.
- 8. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED this by of of	day of May, 2009, ever Borough in public session
	NAME OF MUNICIPALITY
	BV:
	Richard Murnuski
	Council Chairman
ATTEST:	
Delse Secretary	
(Municipality Seal)	

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Chapter 34
MAINTENANCE OF PRIVATE PROPERTY

 34-1. Authority.

34-2. Definitions.

34-3. Application.

34-4. Buildings and structures.

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15	34-6.	Infestation, prevention and correction.
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38	34-1.	Authority.
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40		s Chapter and the objectives leading to its enactment are
41	authori	zed by the Pennsylvania Borough Code.
42		
43	34-2.	Definitions.
44	DIII	TDING was find whomshows and said his and as well as find
45		LDING - a roofed structure enclosed by one or more walls for
46		e shelter, housing, storage or enclosure of persons, goods,
47	mat	erials, equipment or animals.
48	001	IDM on any and improvinted suppose on a late configuration of
49		URT - an open and unoccupied space on a lot enclosed on at
50	Tea	st three sides by the walls of a building.

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

INFESTATION - the presence of insects, rodents, vermin and/or other pests.

LOT - plot, tracks, premises or parcel of land with or without improvements thereto.

OWNER - any person or persons jointly or severally, firm, corporation or other entity which either by convenience or inheritance or otherwise is vested with a title to a lot and/or improvements thereto or who retains the exclusive control of such lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

REFUSE - all putrescible and nonputrescible solid waste, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD - any building or part thereof or man made structure which remains unoccupied for a period of more than six months, with either doors, windows or other openings broken, removed, boarded or sealed up or any building under construction upon which little or no construction work has been performed for a period of more than six months.

YARD - any open space on the same lot with a building and, for the most part unobstructed from the ground up.

34-3. Application.

The provisions of this Chapter shall supplement local laws, ordinances or regulations existing in the Borough of Exeter or those of the Commonwealth of Pennsylvania. Where a provision of this Chapter is found to be in conflict with any provision of a local law, ordinance, code or regulation or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establish the hire standard shall prevail.

34-4. Buildings and structures.

A. No owner of any building or structure shall fail to take steps and perform such maintenance thereto as may be required from time to time to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general populous.

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- B. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that these are securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard, or threat thereof, is precipitated due to lack of maintenance or due to neglect.
- C. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard shall, upon direction of the Borough Council, remove or cause the removal of the building and/or structure.

34-5. Yards, open lots, parking areas.

No person shall permit:

- A. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property.
- B. The development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts or lots.
- C. Objectionable materials to accumulate and to be blown about the surrounding neighborhood.
- D. Wells, cesspools, cisterns, sedimentation ponds, storm water management and impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public.
- E. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic.

34-6. Infestation, prevention and correction.

- A. Grounds, buildings and structures shall be maintained free of insect vermin and rodent harborage and infestation.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- C. Where there exists rodent and/or vermin infestation,

corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problems to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

34-7. Miscellaneous provisions.

No person shall permit:

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- A. Roof surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction or maintenance or manner of discharge.
- B. Roof gutters, drains or any other system designed and constructed to transport storm water, to be discharged into any sanitary sewage system and/or any part thereof.
- C. Any refrigerator, freezer and/or similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors.

34-8. Responsibilities of occupants.

Any occupant of a premises shall be responsible for compliance with the provisions of this Chapter with respect to the maintenance of that part of the premise which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

34-9. Responsibilities of owners. - Spaffete 6/06

- A. The owner or owners of premises shall comply with the provisions of this Chapter as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which parties shall assume such responsibility.
- B. In instances where an occupant is responsible, or shares responsibility with an owner for the existence of one or more violations of this Chapter, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Chapter.

EXETER BOROUGH ORDINANCE NO. of 2006

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA ESTABLISHING AND ASSESSING PENALTIES FOR THOSE WHO COMMIT THE ACT OF PLACING GRAFFITI ON ANY PROPERTY WITHIN THE BOROUGH LIMITS OF EXETER BOROUGH, WHETHER IT BE PUBLIC AND/OR PRIVATE PROPERTY. ADDITIONALLY, THIS ORDINANCE PROHIBITS PRIVATE PROPERTY OWNERS FROM ALLOWING GRAFFITI TO REMAIN ON THEIR PRIVATE PROPERTY FOR MORE THAN THIRTY DAYS FROM THE KNOWLEDGE OF ITS EXISTENCE.

WHEREAS, AN ORDINANCE ESTABLISHING AND ASSESSING PENALTIES FOR THE ACT OF PLACING GRAFFITI ON PUBLIC AND PRIVATE PROPERTY WITHIN EXETER BOROUGH, MORE SPECIFICALLY, DEFACING PUBLIC AND PRIVATE PROPERTY WITHIN THE BOROUGH LIMITS WILL PUNISH THOSE OFFENDERS WHO COMMIT SUCH AN ACT WITH CRIMINAL PENALTIES WITHIN THE JURISDICTION OF THE BOROUGH OF EXETER.

WHEREAS, THOSE PRIVATE PROPERTY OWNERS WHO FAIL TO REMOVE GRAFFITI FROM THEIR PRIVATE PROPERTY WITHIN A REASONABLE TIME PERIOD AS SHALL BE ESTABLSIHED BY THIS ORDINANCE ARE ALSO SUBJECT TO CRIMINAL PENALTIES WITHIN THE JURISDICTION OF THE BOROUGH OF EXETER.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

- A. THIS LOCAL ORDINANCE PROHIBITS INDIVIDUALS FROM DEFACING OR DAMAGING PROPERTY, BOTH PRIVATE AND PUBLIC, BY MAKING ANY MARKS, SIGNS, SYMBOLS, OR WRITINGS ON ANY PROPERTY, BOTH PRIVATE AND PUBLIC.
- B. AN INDIVIDUAL IS GUILTY OF VIOLATING THIS ORDINANCE WHEN HE OR SHE INTENTIONALLY DEFACES OR OTHERWISE DAMAGES TANGIBLE PUBLIC AND/OR PERSONAL PROPERTY OR TANGIBLE PROPERTY OF ANOTHER WITH GRAFFITI BY USE OF ANY AEROSOL SPRAY PAINT CAN, BROAD TIPPED INDELIBLE MARKER OR SIMILAR MARKING DEVICE.
- C. DEFINITION AS USED IN THIS ORDINANCE, THE TERM "GRAFFITI" MEANS ANY UNAUTHORIZED INSCRIPTION, WORD, FIGURE,

MARK OR DESIGN WHICH IS WRITTEN, MARKED, ETCHED, SCRATCHED, DRAWN OR PAINTED.

SECTION 2.

THIS LOCAL ORDINANCE PROHIBITS PRIVATE PROPERTY OWNERS FROM FAILING TO REMOVE GRAFFITI FROM THEIR PRIVATE PROPERTY. PRIVATE PROPERTY OWNERS ARE ALLOTED A REASONABLE AMOUNT OF TIME TO REMOVE SAID GRAFFITI. PRIVATE PROPERTY OWNERS WILL BE GIVEN THIRTY DAYS FROM THE DATE THE GRAFFITI IS FIRST DETECTED TO TAKE REASONABLE STEPS TO REMOVE SAID GRAFFITI. IF THE GRAFFITI LOCATED ON PRIVATE PROPERTY IS NOT REMOVED BY THE PRIVATE PROPERTY OWNER WITHIN THIRTY DAYS OF THE DATE OF ITS EXISTENCE, THE PRIVATE PROPERTY OWNER IS SUBJECT TO THE PENALTIES PORTION OF THIS LOCAL ORDINANCE.

SECTION 3.

THE BOROUGH OF EXETER WILL ENFORCE THIS ORDINANCE AGAINST THOSE WHO PLACE GRAFFITI ON PROPERTY WITHIN THE BOROUGH OF EXETER AND THOSE PROPERTY OWNERS WHO FAIL TO REMOVE SAID GRAFFITI WITHIN THIRTY DAYS OF ITS EXISTENCE. THE BOROUGH OF EXETER HAS NO CONCERN FOR ANY CIVIL ARRANGEMENTS WHICH ARE MADE BETWEEN PROPERTY OWNERS AND RENTERS. THIS ORDINANCE WILL BE ENFORCED AGAINST PROPERTY OWNERS.

SECTION 4.

PENALTIES:

- A. ANY INDIVIDUAL CITED UNDER THIS LOCAL ORDINANCE FOR PLACING GRAFFITI ON ANY PRIVATE AND/OR PUBLIC PROPERTY WITHIN THE BOROUGH OF EXETER SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:
 - (1) Apply 18 Pa. C.S.A. 3304 Section 3304(b):
- (a) GRADING CRIMINAL MISCHIEF IS A FELONY OF THE THIRD DEGREE IF THE ACTOR INTENTIONALLY CAUSES PECUNIARY LOSS IN EXCESS OF \$5,000.00, OR A SUBSTANTIAL INTERRUPTION OR IMPAIRMENT OF PUBLIC COMMUNICATION, TRANSPORTATION, SUPPLY OF WATER, GAS OR POWER, OR OTHER PUBLIC SERVICE, IT IS A MISDEMEANOR OF THE SECOND DEGREE IF THE ACTOR INTENTIONALLY CAUSES PECUNIARY LOSS IN EXCESS OF \$1,000.00, OR A MISDEMEANOR OF THE THIRD DEGREE IF THE ACTOR INTENTIONALLY OR RECKLESSLY CAUSES PECUNIARY LOSS IN EXCESS OF \$500.00 OR CAUSES A LOSS IN EXCESS OF \$150.00 FOR A VIOLATION OF THE ABOVE REFERENCED

SECTION (1)(a) OF THIS LOCAL ORDINANCE. OTHERWISE, CRIMINAL MISCHIEF IS A SUMMARY OFFENSE.

- B. ANY PRIVATE PROPERTY OWNER CITED UNDER THIS LOCAL ORDINANCE FOR FAILURE TO REMOVE GRAFFITI FROM HIS OR HER PRIVATE PROPERTY WITHIN THIRTY DAYS OF THE DETECTION OF SAID GRAFFITI SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:
- (1) A FINE OF TWO HUNDRED FIFTY (\$250.00) DOLLARS PER DAY FOR THE EXISTENCE OF THE VIOLATION TO BEGIN ACCRUING AFTER THE THIRTIETH DAY OF THE DETECTION OF THE GRAFFITI.
- (2) RESTITUTION TO THE BOROUGH IF THE BOROUGH IS REQUIRED TO REMOVE SAID GRAFFITI FROM THE PRIVATE PROPERTY SINCE PRIVATE PROPERTY OWNERS FAILED TO DO SO.

SECTION 5.

THE EXISTENCE OF THIS STATUTE IN NO WAY IMPEDES THE BOROUGH OF EXETER FROM PURSUING CIVIL ACTION AGAINST ANY OFFENDERS IF SAID CIVIL ACTION IS APPROPRIATE CONCURRENTLY WITH SAID CRIMINAL SANCTIONS. IF THE BOROUGH OF EXETER IS FACED WITH COSTS FOR THE REMOVAL OF GRAFFITI FROM PRIVATE PROPERTY, EXETER BOROUGH IS ENTITLED TO PURSUE CIVIL REMEDIES OUTSIDE OF THE SCOPE OF THIS ORDINANCE. ADDITIONALLY, THIS ORDINANCE DOES NOT PRECLUDE RESIDENTS OF THE BOROUGH OF EXETER FROM PURSUING CIVIL ACTION AGAINST ANY APPROPRIATE OFFENDERS WHO MAY ALSO BE SUBJECT TO SANCTIONS UNDER THIS ORDINANCE.

SECTION 6.

ANY CORPORATE ENTITY THAT OWNS PRIVATE PROPERTY WITHIN THE BOROUGH OF EXETER AND MAY FALL SUBJECT TO THE SCOPE OF THIS ORDINANCE CAN ALSO BE FINED UNDER THIS ORDINANCE FOR FAILURE TO REMOVE GRAFFITI FROM THE PRIVATE PROPERTY IT OWNS WITHIN THIRTY DAYS OF THE DATE OF ITS DETECTION.

SECTION 7.

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FAILURE FOR ANY INDIVIDUAL, OR CORPORATE ENTITY, TO COMPLY WITH THE PAYMENT OF ANY JUDGMENT PLACED AGAINST THEM BY THE MAGISTERIAL DISTRICT COURT AND/OR THE BOROUGH OF EXETER WILL RESULT IN THAT INDIVIDUAL AND/OR CORPORATE ENTITY BEING SUBJECT TO ALL NECESSARY COLLECTION METHODS INCLUDING BUT NOT LIMITED TO REPORTS TO COLLECTION AGENCIES. ADDITIONALLY THOSE INDIVIDUALS AND/OR CORPORATE ENTITIES WILL BE SUBJECT TO ADDITIONAL FEES AND FINES FOR THEIR FAILURE TO PAY THE LAWFULLY ASSESSED AMOUNT.

SECTION 8.

THE EXISTENCE OF THIS LOCAL ORDINANCE IN NO WAY PROHIBITS THE EXTER BOROUGH POLICE DEPARTMENT OR ANY OTHER LAW ENFORCEMENT AGENCY FROM PURSUING HIGHER GRADE OFFENSES AGAINST THOSE INDIVIDUALS WHICH MAY BE SUBJECT TO OTHER CRIMINAL SANCTIONS IN ADDITION TO THIS LOCAL ORDINANCE.

THIS ORDINANCE SHALL TAKE EFFECT June 6 h, 2006.

ORDAINED AND ENACTED INTO LAW THIS 6 DAY OF June, 2006.

ATTEST:

EXETER BOROUGH COUNCIL

APPROVED THIS 6 DAY OF June

34-10. Inspections.

The Borough Council may or may not cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building structure is necessitated, prior arrangements must be made with the owner or his agents to secure access thereto.

34-11. Notice to comply.

- A. If noncompliance with the provisions of this Chapter constitutes a nuisance or if any condition, structure or improvement poses a threat to the health, safety, or welfare of the public, the Borough Council, the Borough Chief of Police or any authorized representative of Borough Council shall issue a written notice to be served by registered or certified mail upon the owner of said premises or by personal service or if the owners whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth herein within ten days of mailing or posting or service of said notice and thereafter, to fully comply with the requirements of the notice within a reasonable time.

34-12. Authority to remedy noncompliance.

If the owner does not comply with the notice to abate the conditions within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such conditions plus ten (10%) percent of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

34-13. Hearing.

A. Any person aggrieved by the decision of Borough Council, the Chief of Police or the authorized representative of Borough Council may request and shall then be granted a hearing before Borough Council provided he files with Borough Council within five (5) days after "notice to comply", a written petition requesting such hearing and

setting forth a brief statement of the grounds therefore.

B. After such hearing, the Borough Council shall sustain, modify or overrule the "notice to comply".

34-14. Penalties.

 Any person who shall violate any provision of this Chapter shall upon conviction thereof be sentenced to pay a fine of not more than three hundred (\$300.00) dollars and in default of payment to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Chapter continues shall constitute a separate offense.

34-15. Owners severally responsible.

If the premises are owned by more than one owner each owner shall severally be subject to prosecution for the violation of this Chapter.

34-16. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this Chapter or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively at the option of the Borough Council.

34-6

1 2		Chapter 40 LICENSING OF CONTRACTORS
3		
4 5 6	40-1.	License required.
7 8	40-2	Administrative authority.
9	40-3.	Classification and types of licenses.
11 12	40-4.	Qualifications.
13	40-5.	Applications.
15 16	40-6.	Examinations; approval of application.
17 18	40-7.	Examining board.
19 20	40-8.	License conditions.
21 22	40-9.	
23 24		Misrepresentations; false statements.
25 26		Grounds for suspension or revocation.
27 28	40-12.	<u>-</u>
29 30		Appeals.
31 32	40-14.	
33 34	40-15.	
35 36		Apprentices.
37 38	40-17.	Holding of licenses in escrow.
39 40		Fees.
41 42	40-19.	Violations and penalties.
43		GENERAL REFERENCES
45	·	a a construction and an
46		Construction - See Ch. 33
47		cal Standards - See Ch. 48
48 49	Linwpind	g - See Ch. 100

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40-1. License required.

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- A. It shall be unlawful for any person, firm or corporation to engage in the business of constructing, altering, repairing, demolishing or moving buildings or of installing electrical, plumbing or mechanical (including heating and ventilating) equipment without first obtaining a license therefore as provided in this Chapter. This requirement shall not apply where any such work is to be performed by the owner of a residential property in which he resides.
- B. In the case of a firm or corporation, only one officer, agent or member of said firm or corporation shall be licensed in accordance with the provisions of this Chapter. A license may then be issued in the name of the firm or corporation, as provided herein, but such license shall be valid and in effect only while the licensed individual is still a member, officer or agent of such firm or corporation.

40-2. Administrative authority.

This Chapter shall be administered and enforced by the Zoning Officer.

40-3. Classification and types of licenses.

- A. Contracts shall be divided into the following classifications, and licenses shall be issued for each classification upon satisfactory passage of the required examinations and tests.
 - (1) A general building contractor's license shall be issued to a person, firm or corporation qualified to erect a structure in its entirety or to add to, alter or repair an existing structure. A general contractor shall be held accountable for the work of all separate contractors and subcontractors he employs.
 - (2) A moving contractor's license shall be issued to a person, firm or corporation qualified and equipped to move any building.
 - (3) A demolition contractor's license shall be issued to a person, firm or corporation qualified and equipped to demolish any structure or portion thereof.
 - (4) A plumber's license shall be issued to a person,

firm or corporation qualified to install, alter or repair plumbing fixtures and facilities in a structure.

- (5) An electrician's license shall be issued to a person, firm or corporation qualified to install, alter or repair electrical wiring systems and fixtures in a structure.
- B. The classifications of electrician and plumber shall be further divided into two (2) types as follows, and licenses for each such type shall be issued only upon satisfactory passage of the required examinations and tests:
 - (1) Journeyman's license.
 - (2) Master's license.

40-4. Qualifications.

 Applicants for licenses shall be at least eighteen (18) years of age, citizens of the United States and of good moral character and shall meet the following requirements:

- A. Applicants for a general building, moving or demolition contractor's license shall be familiar with building construction and shall have had at least five (5) years actual experience in construction work, either as superintendent, foreman or skilled mechanic, or at least three (3) years experience as an office assistant in a registered architect's, registered engineer's or licensed contractor's office. Applicants for a moving or demolition contractor's license shall be familiar with and accustomed to using the various forms of equipment and appliances ordinarily used in raising, moving and demolishing buildings.
- B. Applicants for electrician's and plumber's licenses shall meet the following requirements:
 - (1) Applicants for a master's license shall have had at least two (2) years experience as licensed journeymen by examination.
 - (2) Applicants for a journeyman's license shall be sponsored by a person, firm or corporation holding a valid master's license and shall agree to work under the supervision of a licensed master.

40-5. Applications.

- A. Applications for licenses under this Chapter shall be made to the Zoning Officer, in writing, on such printed forms as he shall prescribe and prepare. The application shall be signed by the applicant under oath and shall contain the following, in addition to any other pertinent information the Zoning Officer may deem reasonably necessary.
 - (1) The name and address of the applicant.
 - (a) In the case of a partnership, the names, addresses and telephone numbers of all partners.
 - (b) In the case of a firm, corporation or partnership, the name and address of the principal office of said firm, corporation or partnership, and the names and addresses of all officers and directors owning, of record or beneficially, five (5%) percent or more of the outstanding stock of any class of said corporation.
 - (2) The age of the applicant.
 - (3) The classification for which the applicant seeks to be licensed.
 - (4) Details as to experience and qualifications in the classification of business or activity for which a license is sought.
 - (5) Statement of the amount of public liability insurance carried, and the name and address of the insurer.
 - (6) In the case of an applicant for a journeyman's license, the name and address of the licensed sponsor.
- B. Application shall be accompanied by:
 - (1) Letters from two (2) licensed contractors certifying to the experience and qualifications of the applicant; provided, however, that this shall not apply in the case of an applicant for a journeyman's license.
 - (2) A bond in the sum of one thousand (\$1,000.00)

dollars with good and sufficient sureties to be approved by the Borough Solicitor, conditioned, among other things, that said contractor will indemnify and save harmless the Borough of Exeter, its officials, agents and employees of and from any and all damages caused by any negligence in protecting his work or by any unfaithful, imperfect or inadequate work done.

(3) Payment of the fees required herein.

40-6. Examinations; approval of application.

- A. Upon receipt of the application, the Zoning Officer shall refer said application to the Examining Board for such investigation and review as shall be deemed necessary to determine the applicant's experience, qualifications, character and fitness.
- B. Written and/or practical examinations and tests, prepared and administered by the Examining Board, shall be administered to each applicant so as to test the applicant's knowledge of the provisions of the applicable codes and ordinances under which he will work and the manner in which such should be performed. No license shall be issued unless the applicant obtains passing marks in such examinations and tests.
- C. The Examining Board, may in its discretion, exempt any applicant from the requirement of taking an examination if the Examining Board determines that said applicant has, in effect, a license from another municipality as would be required hereunder, and that said licensing municipality at the time said license was issued had substantially the same requirements for the issuance of a license as are provided by this Chapter.

40-7. Examining board.

- A. Appointment; members. There shall be appointed by the Exeter Borough Council a board, to be known as the "Examining Board," for the purpose of determining the fitness of applicants for licenses and investigating and reporting on all proposed suspensions or revocations of licenses. The Exeter Borough Council may, for cause shown, remove any member thereof and shall fill any vacancy therein. Said Board shall consist of:
 - (1) The Zoning Officer.

			LICENSING OF CONTRACTORS
1 2 3 4		(2)	Four (4) competent persons, separately licensed as a general building contractor, master plumber, master electrician and building inspector.
5 6 7	В.		of office. The terms of the members of the Examining shall be as follows:
8 9 10		(1)	The term of the Zoning Officer shall coincide with his term of office as Zoning Officer.
11 12 13		(2)	The four (4) remaining members of the Board shall be appointed originally for terms of four (4), three (3), two (2) and one (1) years, with their

C. Organization; meetings; quorum.

 (1) The members of the Examining Board shall, within thirty (30) days after their appointment, meet specially to organize and elect from their members a Chairman. They shall elect a secretary, who need not be a member of the Board.

successors appointed by terms of four (4) years.

- (2) The board shall meet at least thirty (30) days prior to any scheduled examination and may hold special meetings as frequently as is necessary for the proper and efficient discharge of its business. Such special meetings shall be held upon twenty-four (24) hours notice by the Secretary to each member of the Board, stating the purpose of such meeting.
- (3) Three (3) members of the Board shall constitute a quorum for the transaction of any and all business.
- D. Rules and regulations. The Examining Board shall formulate its own rules and regulations for all of its examinations. Such rules and regulations shall become effective immediately upon adoption by the Board and approval of the Exeter Borough Council.
- E. Powers and duties. The Examining Board shall:
 - (1) Prepare and administer examinations and tests, both written and practical.
 - (2) Investigate the character and fitness of all applicants for licenses who shall have passed the required examinations and tests and report to Exeter Borough Council the results of such examinations.

		LICENSING OF CONTRACTORS
1 2 3	(3	Investigate and hear all written complaints against holders of such licenses and report to the Exeter Borough Council its findings and recommendations.
4 5 6 7 8	(4	Keep minutes of its proceedings and hearings and records of its investigations and examinations of applicants for licenses.
9 10	(5	Request from Exeter Borough Council additional assistants to conduct examinations, if needed.
11		
12		ompensation. Except for the Zoning Officer who shall
13	re	eceive a regular salary, each member of the Examining

40-8. License conditions.

A. Each license shall be issued for the calendar year during which it is issued, expiring on April 30, and the full fee shall be payable irrespective of the date of issue.

Board and assistants shall receive sixty (\$60.00) dollars

B. No license shall be transferable.

for each examination administered.

C. The license shall at all times maintain adequate public liability insurance coverage in the amount of not less than fifty thousand (\$50,000.00) dollars.

40-9. Renewals.

- A. Any license issued hereunder may be renewed without examination, provided that application for such removal, accompanied by the renewal fee prescribed hereinafter shall have been filed prior to the expiration of the existing license, or provided that such license is held in escrow.
- B. All licenses shall be renewed at the beginning of each licensing year. Licenses not renewed by April 30 of any year shall be deemed to have expired, and the holder thereof shall, at the discretion of the Examining Board, be subject to the application, examination and fee requirements herein provided for new applicants.
- C. If a license has expired, the licensee may renew the license at the discretion of the Examining Board, upon payment of the current year's license fee and the preceding year's license fee, assuming that all other requirements have been met.

40-10. Misrepresentations; false statements.

1 2

- A. No person, partnership, firm or corporation not the holder of a license shall falsely represent that he or it holds such license or shall use in any advertising the words "licensed contractor", "master plumber", "master electrician", or any words of similar meaning or import on any sign, card or letterhead or in any other manner.
- B. Any person who, with intent to defraud or deceive, knowingly makes a false statement or causes or procures to be made or aids and assists in the making of a false statement in an application or a license or the renewal of a license or in any application provided for in this Chapter or in any proof or instrument in writing in connection therewith, or who shall in any examination hereunder deceive or cheat, shall be in violation of this Chapter.

40-11. Grounds for suspension or revocation.

Licenses may be suspended or revoked for any one (1) or more of the following acts or omissions:

- A. Fraud or misrepresentation in obtaining a license or a renewal thereof.
- B. Violation of this Chapter or any other applicable code, ordinance or statute governing the work performed.
- C. Filing of voluntary petition in bankruptcy.
- D. Fraud or misrepresentation in obtaining or performing a contract for the performance of which a license is required under this Chapter.
- E. Unjustified failure to perform a contract for the performance of which a license is required under this Chapter.

40-12. Procedure for suspension or revocation.

A. The Zoning Officer on his own initiative and on forms to be prescribed by him, or any person, firm or corporation which has entered into an agreement for work, either verbal or written, with any person, firm or corporation licensed hereunder, may file a complaint against such person, firm or corporation by the filing of the same with the Examining Board. Such complaint shall be in writing and signed by the person filing the same. The complaint shall contain a

statement setting forth the specific facts relating to the violation of this Chapter of the applicable code, ordinance or statute pertaining to the licensee's activities.

B. Upon a complaint being filed in the manner and form herein prescribed, the Zoning Officer shall forthwith issue a notice, in writing, directing the licensee in question to file a written answer within ten (10) days after the service of notice, answering to the charges or showing cause, if any, why his license should not be revoked. A copy of the complaint shall be served with said notice.

C. Failure of the licensee in question to file a written answer within said ten (10) days may be deemed an admission by him of the commission of the act or violations cited in the complaint, and his license thereupon may be revoked forthwith by the Zoning Officer without further evidence.

In the event that the licensee in question shall file a written answer within the time period prescribed in the notice, a hearing shall be scheduled, notice of which shall be served no less than ten (10) days prior to the date fixed for the hearing. Said hearing shall be held by and before the Examining Board, which shall thereafter make all decisions as to fact and law concerning suspension of revocation of the license. At the hearing the complainant and licensee shall each have the right to appear personally or by counsel and cross-examine witnesses and produce witnesses and evidence in their behalf. Counsel is required if the licensee is a corporation. A certified court reporter shall be present at the licensee's expense, and a complete transcript shall be presented to Exeter Borough Council at no cost if an appeal is taken.

40-13. Appeals.

Any person, firm or corporation aggrieved by any action of the Examining Board taken pursuant to this Chapter shall have the right of appeal to the Exeter Borough Council. Such appeal shall be taken by filing with the Borough's Secretary within ten (10) days after notice of revocation or suspension or other action complained of a written statement setting forth fully the grounds for appeal. The Exeter Borough Council shall thereafter set a time and place for hearing the appeal upon at least ten (10) days prior written notice to the appellant. The decision and order of the Exeter Borough Council on such appeal shall be final and conclusive, and shall be based on the evidence presented at the hearing before the Examining Board, with no further evidence to be permitted.

40-14. Surrender of license.

1 2

- A. Upon suspension or revocation of a license, the same shall be surrendered to the Zoning Officer.
- B. Every holder of a license, upon retiring from the business, shall notify the Zoning Officer of such fact and at the same time surrender the license certificate.

40-15. "One-time" licenses.

Nonresident contractors holding valid licenses issued by another municipality may obtain a "one-time" license in Exeter Borough for a specific contract upon application in proper form to and approval by the Examining Board and payment of the fee normally required for the license for which application is made. Not more than one (1) such license shall be issued in any one (1) year to a person, firm or corporation.

40-16. Apprentices.

Apprentices in all trades may be allowed to work in Exeter Borough under the following conditions:

- A. An application shall be filed with the Zoning Officer.
- B. A fee of one (\$1.00) dollar per year shall be paid.
- C. The apprentice shall be sponsored and recommended by a holder of a valid master's license only.
- D. The apprentice must work under the direct supervision of a journeyman or master licensed in Exeter Borough.

40-17. Holding of licenses in escrow.

- A. The holder of a valid and current license issued by Exeter Borough may file such license with the Zoning Officer, to be held in escrow under the following conditions:
 - (1) The licensee will not be allowed to do or perform work under the license held in escrow for the period that it is held in escrow by the Zoning Officer.
 - (2) A fee, to be known as a "holding fee", shall be paid at the time of filing the license in escrow as follows:
 - (a) For master's licenses, ten (\$10.00) dollars per year.

1 2		(b) For journeyman's licenses, two (\$2.00) dollars per year.
3 4 5		(c) For all other licenses, ten (\$10.00) dollars per year.
6 7 8 9 10		(3) The licensee, when reclaiming his license from escrow in order to resume his occupation and practice his specified trade, shall immediately pay the current year's license fee to reestablish his card and qualifications.
12 13 14 15 16	В.	The purpose of this Section is to provide that the licensed not be subject to re-examination or requalification at the time he wishes to reclaim his license and resume his occupation.
17 18	40-18.	Fees.
19 20 21 22	Α.	The following fees shall be charged for the examination and licensing of general building, moving, demolition, jobbins and specialty contractors:
23 24		(1) Examination, twenty-five (\$25.00) dollars.
25 26		(2) First year, fifty (\$50.00) dollars.
27 28		(3) Annual renewal thereafter, fifty (\$50.00) dollars.
29 30 31	В.	The following fees shall be charged for the examination and licensing of electricians:
32 33		(1) Master electrician:
34 35		(a) Examination, twenty-five (\$25.00) dollars.
36 37		(b) First year, fifty (\$50.00) dollars.
38 39 40		(c) Annual renewal thereafter, fifty (\$50.00) dollars.
41 42		(2) Journeyman electrician:
43 44 45		(a) Examination, ten (\$10.00) dollars.
45 46 47		(b) First year, ten (\$10.00) dollars.
48 49 50		(c) Annual renewal thereafter, ten (\$10.00) dollars.

1 2	c.			g fees shall be charged for the examination and plumbers:
3			J, J-	
4		(1)	Master	plumber:
5				
6			(a)	Examination, twenty-five (\$25.00) dollars.
7				
8			(b)	First year, fifty (\$50.00) dollars.
9				
10			(c)	Annual renewal thereafter, fifty (\$50.00)
11				dollars.
12		(2)	T	
13		(2)	Journe	yman plumber:
14			(2)	Evamination ton (\$10.00) dollars
15			(a)	Examination, ten (\$10.00) dollars.
16 17			(b)	First year, ten (\$10.00) dollars.
18			(1)	riist year, ten (\$10.00) dollars.
19			(c)	Annual renewal thereafter, ten (\$10.00)
20			(0)	dollars.
21				
22	40-19.	Violat	tions a	nd penalties.
23				-
24	Any	person	, firm	or corporation committing a violation against
25				is Chanter shall be nunished by a fine of not

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27 28 29 Any person, firm or corporation committing a violation against the provisions of this Chapter shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than three hundred (\$300.00) dollars and costs of prosecution, and, in default of payment by imprisonment for not more than ninety (90) days.

		1	
ORDINANCE	NO.	OF	2006

AN ORDINANCE OF EXETER BOROUGH, LUZERNE COUNTY, PENNSYLVANIA
AMENDING THE CONTRACTOR REGISTRATION REQUIREMENTS
ADOPTED BY THE EXETER BOROUGH COUNCIL

WHEREAS, the Borough of Exeter has previously established Contractor Registration Requirements for work done within the Borough of Exeter; and

WHEREAS, the Borough of Exeter is desirous to amending the current Exeter Borough Contractor Registration Requirements for work done within the Borough of Exeter; and

WHEREAS, it is the intention of the Council of the Borough of Exeter that from hereforth, Contractor Registration Requirements be expanded to include sub-contractors and violations and penalties for those who violate the Ordinance be expanded to assess a twenty (20%) percent surcharge for certain offenders.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.A. of the Contractor Registration Ordinance adopted by the Borough Council of Exeter shall be amended to read as follows:

1. REGISTRATION REQUIRED

A. FROM THE EFFECTIVE DATE OF THIS ORDNANCE, NO CONTRACTOR SHALL BEGIN WORK IN THE BOROUGH OF EXETER, OR OTHERWISE ACT AS A CONTRACTOR IN THE BOROUGH WITHOUT FIRST HAVING REGISTERED WITH THE MUNICIPALITY AND PAYING ALL APPLICABLE FEES DUE AND RECEIVING A CERTIFICATE OF REGISTRATION. THESE REQUIREMENTS ALSO APPLY TO ANY AND ALL SUB-CONTRACTORS WHO ARE HIRED TO BEGIN WORK IN THE BOROUGH OF EXETER. CONTRACTORS AND SUB-CONTRACTORS SHALL BE TREATED THE SAME UNDER THIS ORDINANCE FOR PURPOSES OF REGISTRATION REQUIREMENTS.

SECTION 5. of the Contractor Registration Ordinance adopted by the Borough Council of Exeter shall be amended to read as follows:

5. VIOLATIONS AND PENALTIES

IN ADDITION TO REFUSAL OR REVOCATION OF A REGISTRATION AS PROVIDED UNDER THIS ORDINANCE, ANY PERSON AS DEFINED IN THIS ORDINANCE, OR ANY OFFICER, AGENCY, SERVANT OR EMPLOYEE THEREOF WHO SHALL FAIL, NEGLECT OR REFUSE TO COMPLY WITH ANY OF THE TERMS OR PROVISIONS OF THIS ORDINANCE SHALL UPON CONVICTION THEREOF BEFORE A DISTRICT JUSTICE, BE SENTENCED TO PAY A FINE OR PENALTY OF NOT EXCEEDING SIX HUNDRED (\$600.00) DOLLARS AND COSTS OF PROSECUTION FOR EACH OFFENSE TO BE COLLECTED AS LIKE FINES OR PENALTIES AND COSTS ARE NOW BY LAW COLLECTIBLE, OR IN DEFAULT THE PAYMENT OF SUCH FINES AND COSTS, SHALL BE IMPRISONED FOR NOT MORE THAN THIRTY (30) DAYS. THE FINE OR PENALTY IMPOSED BY THIS SECTION SHALL BE IN ADDITION TO ANY OTHER FINE IMPOSED BY THIS ORDINANCE OR AUTHORIZED BY LAW. EACH DAY'S FAILURE TO COMPLY WITH ANY SUCH PROVISION OR REQUIREMENT OF THIS ORDINANCE OR ANY ORDER SHALL CONSTITUTE A SEPARATE OFFENSE. ADDITIONALLY, A TWENTY (20%) PERCENT SURCHARGE SHALL BE ADDED TO THE COSTS OF THE CONTRACTOR'S REGISTRATION FEE FOR ANY CONTRACTOR WHO IS FOUND IN VIOLATION OF THIS ORDINANCE. THE CONTRACTOR'S REGISTRATION FEE IS SET BY THE BOROUGH OF EXETER AND THE TWENTY (20%) PERCENT SURCHARGE FEE SHALL BE ADDED ACCORDINGLY BY EXETER BOROUGH OFFICIALS OR IMPOSED BY THE MAGISTERIAL DISTRICT JUDGE AT THE TIME OF THE OFFENSE

MAGISIERIAL DISIRIO	LI CODGL AI III	E TIME OF THE OFFERDA.	
ENACTED AND OF		4 day of April, 20	06
MEMBERS PRESENT:	VOTING YES VOTING NO	<u>7</u> <u>0</u>	
ATTEST:	~		
DEBRA SERBIN		RICHARD MURAWSKI	
SECRETARY/TREASURE	3	CHAIRMAN	
		EXETER BOROUGH COUNCIL	
APPROVED THIS	DAY OF	april , 2006.	

CURFEW

Chapter 42 CURFEW

Unlawful conduct of minors and parents.

Definitions.

42-3. Duty of parent or guardian.

42-1.

42-2.

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10	42-3.	Duty of parent or guardian.
11	42-4.	Arrest of minor; report; penalty for subsequent violation.
12 13	42-4.	Allest of minor, report, pointry for burney-
14	42-5.	Discretion of police officers.
15		
16		
17	42-1.	Definitions.
18		
19	A.	ESTABLISHMENT - means any privately owned place of business
20		carried on for a profit or any place of amusement or
21		entertainment to which the public is invited.
22		•
23	В.	MINOR - means any person under the age of eighteen (18)
24		years.
25		1
26	c.	PARENT - means any natural parent of a minor, a guardian of
27	•	the person of a minor, or any adult person, twenty-one (21)
28		years of age or over, responsible for the care and custody
29		of a minor.
30		of a minor.
31	D.	PUBLIC PLACE - means any public street, highway, road,
	υ.	alley, sidewalk, park, playground, public building,
32		shopping center or vacant lot.
33		snopping center of vacant roc.
34	42-2.	Unlawful conduct of minors and parents.
35	42-2.	onidwidi conduct of minors and parents.
36	*	It shall be unlawful for any minor to be in or upon any
37	A.	public place or any establishment or for any parent
38		
39		knowingly to permit any minor to be in or upon any public
40		place of any establishment at any time between the hours of
41		10:00 o'clock p.m. to 6:00 o'clock a.m. of the following
42		day.
43		
44	В.	
45		"Curfew Whistle" shall be sounded at 9:00 o'clock p.m. each
46		evening, and thereafter all minors shall be required to be
47		at home or out of any public place or any establishment in
48		the Borough, except as herein provided.
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50		

42-1

CURFEW

42-3. Duty of parent or guardian.

 It is hereby made unlawful for any parent, guardian or other person having the legal care or custody of any minor to allow or permit any such child, ward or other person under such age, while in such legal custody, to go or be in or upon any public place or any establishment of the Borough of Exeter after the time prohibited in Section 42-2 of this Chapter, except as herein provided.

42-4. Arrest of minor; report; penalty for subsequent violation.

A. A minor under the age of eighteen (18) years found upon the Borough's public places or establishments in violation of Section 42-2 of this Chapter shall be taken into custody by the Borough Police and delivered to his or her parents, guardian or person having the legal custody of said minor, which arrest shall be reported immediately to the Mayor, who shall make a record thereof in a book to be kept for that purpose.

 B. If said parent, guardian or person having legal custody of said minor shall again allow him or her to be in or upon such public places or establishments in violation of Section 42-2 of this Chapter, said parent, guardian or person having the legal custody of said minor so offending shall, upon conviction thereof before District Magistrate, be punishable by a fine of not less than twenty-five (\$25.00) dollars and not more than three hundred (\$300.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, by imprisonment in the county jail for not more than ninety (90) days, and a like fine or imprisonment shall be imposed on any person aiding and abetting in the violation of the intent and purpose of this Chapter.

42-5. Discretion of police officers.

 The Police Officers of the Borough, in taking children into custody, shall use their discretion in determining age, and in doubtful cases may require positive proof and until such proof is furnished, the officer's judgment shall prevail.

 such unconstitutional, illegal or invalid part not been included herein.

		21 12
1		Chapter 48 ELECTRICAL STANDARDS
2		ELECTRICAL STANDARDS
3 4		
5	48-1.	Adoption of code by reference.
6		•
7	48-2.	Exceptions.
8		
9	48-3.	Enforcement.
LO		
11	48-4.	Permits.
12		
L3	48-5.	Fees.
L4		71.15 C b
L5	48-6.	Right of entry.
L6		
17	48-7.	Notice of commencement of work.
L8	40.0	Turnation of work and a comit
L9	48-8.	Inspection of work under permit.
20	40.0	Inducation of eviating installations
21	48-9	Inspection of existing installations.
22	40-10	Annoale
23	48-10.	Appeals.
24 25	40_11	Violations and penalties.
25 26	40-11.	violations and penalties.
27		
28		GENERAL REFERENCES
29		
30	Buildin	g Construction - See Ch. 33
31		evention - See Ch. 59
- —		- ·

Building Construction - See Ch. 33 Fire Prevention - See Ch. 59 Housing Standards - See Ch. 70 Plumbing - See Ch. 95

48-1. Adoption of code by reference.

There is hereby adopted by the Mayor and Council of the Borough of Exeter, for the purpose of establishing rules and regulations for the installation, extension or alteration of electrical apparatus on, in or around any building, structure or premises within the limits of the Borough of Exeter, that code known as the "BOCA National Electrical Code", 1990 Edition, a U.S.A. Standard, as prepared by the National Fire Protection Association, which will remain in effect until it is superseded by later editions as prepared by the Association. Three (3) current copies of the BOCA National Electrical Code are on file in the Office of the Borough Secretary and are available for public use and information.

48-1

48-2. Exceptions.

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This Chapter shall not apply to the following electrical work:

- A. Minor repair work such as repairing or replacing fuses, switches, receptacles, lamps or lighting fixture parts.
- B. The connection of portable electrical appliances to previously approved permanent receptacles.
- C. Electrical work and apparatus installed for or by an electric or communication utility within the property of that utility for use by that utility in the exercise of its function to serve the public as a utility.

However, such work shall be performed in conformity with the National Electrical Code.

48-3. Enforcement.

- A. This Chapter shall be enforced by the Borough Building Inspector.
- B. The Building Inspector shall, upon the installation, renewal, extension and reception of any electrical wiring and electrical apparatus pursuant to this Chapter, cause an inspection or inspections to be made by himself or his duly authorized agents, to determine that the electrical work conforms with the provisions of the National Electrical Code and this Chapter and the provisions of the ordinances of this Borough and the Statutes of the Commonwealth of Pennsylvania.

48-4. Permits.

No electrical work within the jurisdiction of this Chapter shall be commenced until the owner or his assignee has made an application for a permit from the Building Inspector. The permit shall be conspicuously posted where the work is being done.

48-5. Fees.

- A. All applications for permits shall include plans and specifications showing the proposed electrical work in necessary detail.
- B. Permits shall be issued after proper application has been made and approved and the permit fee paid. Fees shall be based upon the value of the work to be done and shall be paid by the owner of the property or his assignee. Permit

fees are as follows: A fee for each plan examination, building permit and inspection shall be as previously established by Borough Council of the Borough of Exeter by resolution or ordinance. Said fees may be changed at any time by resolution of Borough Council."

- C. If the applicant for a permit also requires additional permits for work covered by other ordinances of the Borough of Exeter, one (1) permit shall be issued and a fee paid based on the total value of all work to be done.
- D. If in the course of the work any changes are made in the plans and specifications on which the permit has been issued, amended plans and specifications shall be submitted. Upon payment of an additional fee, if necessary, a supplementary permit shall be issued to cover the changes.

48-6. Right of entry.

The Building Inspector, in the discharge of his official duties and upon proper identification, shall have the authority to enter any building, structure or premises at any reasonable hour.

48-7. Notice of commencement of work.

The Building Inspector shall be given notice at least twenty-four (24) hours prior to the commencement of work by the individual, firm or corporation to whom the electrical permit was issued.

48-8. Inspection of work under permit.

- A. All inspections shall be made to ensure that the proposed electrical work complies with the provisions of the National Electrical Code. No electrical wiring shall be concealed unless inspected and approved by the Building Inspector or his duly authorized representatives of the Middle Department Association of Fire Underwriters, a nonprofit corporation, hereinafter referred to as "Underwriters", or a similar organization that specializes in such inspections, but such inspection or inspections shall be made within a reasonable time after notice of the completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by the Underwriters or similar organization shall be filed with the Building Inspector.
- B. All decisions as to whether or not the proposed electrical work complies with the provisions of the National

Electrical Code shall be made by the Building Inspector or his duly authorized representative. The Building Inspector or his duly authorized representative shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with the National Electrical Code and this Chapter and the provisions of the ordinances of the Borough and the laws of the Commonwealth of Pennsylvania.

- C. No inspection shall be required for temporary service entrance equipment which shall be used to provide electricity for use in the construction work, provided this service entrance equipment will not be ultimately used to provide the permanent power for the installation.
- D. The Building Inspector may waive his inspection of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the Underwriters or similar organization indicating that it complies with the provisions of the National Electrical Code and this Chapter. Notice of the waiver of inspection shall be served on the applicant so that the approved work can be concealed.

48-9. Inspection of existing installations.

A. In order to safeguard persons and property against the hazards and perils incident to defective electrical wiring and apparatus that is or may now be in existence within the corporate limits of the Borough, the Building Inspector or his duly authorized representative is hereby given the duty to inspect with his agents and the representative or organization, when requested by proper authorities or when public interest so requires, any premises within the Borough at reasonable times to ensure that the existing electrical wiring system and apparatus is not defective and unsafe.

48-10. Appeals.

Any person aggrieved by the decision of the Building Inspector may seek relief therefrom by filing an appeal with the Board of Building Appeals heretofore established under the provisions of the Building Code of the Borough of Exeter.

48-11. Violations and penalties.

Any person who shall violate any of the provisions of the Chapter or of the National Electrical Code or fail to comply therewith, or who shall fail to comply with any order made

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thereunder, or who shall do or cause to be done electrical work in violation of any statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Inspector within the time fixed therein, shall, for each and every violation, be punishable by a fine of not less than twenty-five (\$25.00) dollars and not more than three hundred (\$300.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, by imprisonment in the County jail for a term of not more than ninety (90) days; also, the owner of a building or structure or portion thereof or of the premises where anything in violation of this Code shall be placed or shall exist, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who assisted in the commission of such violation, shall be so punishable. such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Code is committed or continued, and upon conviction of such violation each such person shall be punished within the limits of and as provided by the laws of the Commonwealth of Pennsylvania.

48-5

1 2 3		Chapter 55 EXCAVATIONS
4 5	55-1.	Definitions.
6 7	55-2.	Permit required; exceptions.
8 9	55-3.	Street openings prior to reconstruction and resurfacing.
10 11 12	55-4.	Prerequisites for obtaining permit.
13 14	55-5.	Bond.
15 16	55-6.	Fees.
17 18	55-7.	Cancellation of permit.
19 20	55-8.	Revocation of permit.
21 22	55-9.	Time extension and fee.
23 24	55-10.	Backfilling and paving.
25 26	55-11.	Backfilling and replacing surface; when done by Borough.
27 28	55-12.	
29 30	55-13.	
31 32	55-14.	
33 34		Additional work.
35 36		Guarantee of work.
37 38	55-17.	Penalty.
39 40	55-1.	Definitions.
41 42 43 44	shall ha	following words and phrases, when used in this Chapter ave the meanings ascribed to them in this Section, except in instances where the context clearly indicates otherwise:
45 46 47	APP	LICANT - Any person who make application for a permit.
48 49		OUGH - The Borough of Exeter, Luzerne County, Commonwealth Pennsylvania.

agreed to fulfill all the provisions of this Chapter.

utility or corporation.

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PERMITTEE - Any person who has been issued a permit and has

PERSON - Any natural person, partnership, firm, association,

STREET - The entire right-of-way of a public street, public

highway, public alley, public road or public easement within

the Borough limits, excluding the designated curb and sidewalk.

EMERGENCY - Any unforeseen circumstances which calls for

immediate action to protect or safeguard life and/or property.

13	
14	INSPECTION FEE - A fee paid by the permittee to the Borough of
15	Exeter to defray street opening inspection costs.
16	
17	DEGRADATION FEE - A fee paid by the permittee to the Borough of
18	Exeter to defray a percentage of the costs for resurfacing and
19	reconstruction of Borough streets resulting from the
20	depreciation of streets associated with street openings.
21	
22	PERMIT FEE - A fee paid by the permittee to the Borough of
23	Exeter to cover the costs of issuing, processing and filling
24	the street opening permit.
25	
26	CONCRETE - Soil cement, plain cement concrete, or reinforced
27	cement concrete. Material contained in the base course of some
28	Borough Streets.
29	
30	WORK DAY - Normal business day for the Borough Government,
31	i.e., Monday through Friday, except designated holidays.
32	
33	PUBLIC UTILITY - Any utility company, excluding corporate
34	authorities of the Borough, licensed by the Public Utility
35	Commission of the Commonwealth of Pennsylvania.
36	CALENDAR YEAR - January 1 through December 31, inclusive.
37	
38	BOROUGH CORPORATE AUTHORITY - Any governmental corporation
39	initiated by Borough Council under the Commonwealth of
40	Pennsylvania Authorities Act of 1945 to administer a revenue-
41	producing public enterprise.
42	
43	SIDEWALK AREA - That portion of the street right-of-way
44	reserved for sidewalks.
45	
46	COST - Actual expenditures incurred by the Borough for labor,
47	equipment, and materials. These expenditures include all
48	fringe benefits and overhead.
49	•
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55-2. Permit required; exceptions.

The opening of the surface of any Borough street is prohibited unless a permit is obtained for that purpose in the manner hereinafter described. Such permit shall be granted through the Borough Zoning Officer when the person applying for such permit files an application with the Borough in compliance with the provisions of this article and pays into the Borough Treasury the amounts hereinafter stated.

Any person working in the vicinity of a Borough street who in any manner disturbs such street or who in any manner causes damage to a street shall be required by this Chapter to obtain a permit and correct this damage in accordance with the standards of the Borough Engineer. Street opening permits will not be required for persons excavating adjacent to the curb for the express purpose of installing or replacing curbs and/or sidewalks provided a curb and sidewalk permit has been obtained prior to such work.

The obtaining of street opening permits by Borough departments and corporate authorities shall be waived when work to be performed is completed by their own personnel.

All contractors performing work under contract for the Borough or Borough corporate authorities shall obtain the street opening permit for street opening work.

Public utilities shall obtain the street opening permit for street excavations performed by their own forces or by contractors.

In the event that street openings are necessitated by emergencies, street opening permits shall be obtained on the first regular business day on which the office of the Borough is open for business and said permit shall be retroactive to the date when the work was begun.

A person performing street openings for an emergency must verify the emergency nature of the circumstance in writing to the Borough Zoning Officer within five (5) days after such emergency.

55-3. Street openings prior to reconstruction and resurfacing.

When the Borough and/or Pennsylvania Department of Transportation shall reconstruct or resurface any street, the Borough shall first provide written notice by regular mail of such improvement to all public utility companies operating in the Borough. In addition, the Borough shall provide public notice of such improvements by a legal ad placed once in a newspaper of general circulation in the Borough of Exeter. Within one hundred eighty (180) calendar days from receipt of such notice in the case

of a public utility and publication of such notice in all other cases, all notified persons, shall complete or cause to be completed all necessary repairs and replacements of utility mains, service connections, and/or laterals existing under the street and designated curb and sidewalk areas. Notified persons shall also complete or cause to be completed any new installations, under the street and designated curb and sidewalk areas required for use within five (5) year period thereafter. All replacements and new installations shall be in first-class condition so that the same cannot be reasonably be expected to require repairs or renewal within a period of at least five (5) years thereafter.

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Upon failure of any of the notified person or persons to comply with the notice from the Borough to place the same in first-class condition as hereinbefore provided, the Borough shall cause existing utility mains, service connections and/or laterals to be placed in first-class condition as aforesaid, or to be entirely removed, if not used or necessary for the public convenience, whereupon the Borough shall be entitled to collect the cost of such renewals, repairs, caulking, removal or other work from the aforesaid responsible person or persons, either by invoicing the person or persons, or, in the case of water or sewer house connections, by filing municipal liens therefore against the abutting properties benefitted by such connections.

This Section shall not forbid, however, the installation of new pipes, conduits or other services or structures, or the repair, replacement or removal of those already existing, in or under the portions of such highways improved as aforesaid, by tunneling beneath paving in accordance with the ordinances of the Borough and the directions of the Borough Engineer or the Pennsylvania Department of Transportation upon obtaining a permit therefore from the Borough Zoning Officer, and upon payment to the Borough of the same fees as prescribed by the provisions of this Chapter for making a surface opening in the highway of the same dimensions.

55-4. Prerequisites for obtaining permit.

Street opening permits shall only be granted upon compliance with the following express provisions:

 A. A written application shall be filed with the Borough Zoning Officer for making all street openings or excavations and the same shall be signed by the person desiring such permit. Such application shall set forth the purpose for which such excavation is to be made; the size and location of the same; the full scope of work to be included in the project; the date of dates during which such excavation is to be permitted; the date or dates such

excavation is to be refilled and resurfaced in the manner hereinafter provided; and shall provide that the applicant will faithfully comply with each and every provision contained in this Chapter. An applicant shall furnish a drawing of the proposed opening site upon request of the Borough. Items required on the drawing shall be specified at the time of the request.

B. Prior to the issuing of such permit, every such applicant shall pay to the Borough Treasurer the amount hereafter required for the purpose hereinafter provided and shall exhibit to the Borough Zoning Officer a receipt for the amount aforesaid.

C. No permit shall be granted to any applicant unless the applicant shall have paid to the Borough any and all monies, then due to the Borough, for prior excavations made or for any loss, damages or expense in any manner occasioned by or arising from the excavation of streets of the Borough under prior permits.

D. Except in emergency situations, the Borough shall at its discretion be permitted to deny the opening of a street which has been resurfaced or reconstructed within a five (5) year period prior to the date of request for the street opening.

E. Except in emergency situations, applications for street openings shall be submitted to the Borough Zoning Officer at least two (2) work days prior to the proposed date of excavation. The Borough shall review each application and grant or deny the applicant a permit upon completion of the review.

F. No street opening shall be performed, except in the case of emergencies, when seasonally prohibited or, in the judgment of the Borough Engineer, working conditions are unreasonable for such work.

G. By submission of an application, the applicant agrees to save the Borough, its officers, employees, and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to be accrued by reason of said work to be done in said application. The acceptance of any permit under this Chapter shall constitute such an agreement by the applicant whether the same is expressed or not.

H. The applicant shall provide to the Borough a certificate of insurance properly executed by the applicant's insurance

agency. Properly executed certificates of insurance shall be filed with the Borough Secretary and verify that the applicant is insured against claims for property damages which may arise from or out of the performance of the excavation work whether such performance be by the applicant or anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage, and collapse of any property. Liability insurance for bodily injury shall be in the amount of not less than five hundred thousand (\$500,000.00) dollars for each person and five hundred thousand (\$500,000.00) dollars for each accident and for property damage in an amount not less than two hundred thousand (\$200,000.00) dollars. Failure of an applicant to file a certificate of insurance shall be a sufficient reason for denying a permit. The applicant, by submission of an application for a permit, agrees to save and hold harmless the Borough of Exeter from any and all damages and liability by reason of personal injury or property damage arising either directly or indirectly from the work to be performed under the provisions of this Chapter, irrespective of the cause of such injury or damage.

55-5. Bond.

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- Public utility companies desiring to open a street in the Borough of Exeter shall provide a bond of indemnity which shall be properly executed and filed with the Borough. Such bond shall be in the amount of fifty thousand (\$50,000.00) dollars and shall cover street opening work performed in one calendar year and shall be for the same amount each year thereafter, unless otherwise required to be adjusted by the Borough Council. Any approved bond amount adjustment shall also be applied to the bond for the calendar year immediately following the year in which the A bond of indemnity shall be adjustment was made. furnished separately for each calendar year and each shall be in effect for twenty-four months in accordance with Section 55-16.
- B. All other persons, except contractors performing work for the Borough, desiring to open a street shall furnish a properly executed corporate surety bond or equivalent cash deposit. Said bond shall be executed by a reputable surety company licensed to do business in the Commonwealth of Pennsylvania. Said bond shall cover street opening work performed during one calendar year. The bond shall be in effect for a twenty-four (24) month period in accordance with Section 16. The amount of the bond, or cash deposit

shall be one thousand (\$1,000.00) dollars for each pave cut requested. The amount of the bond required by this Subsection may be increased, reduced or waived by the Borough upon advice of the Borough Engineer that such increase, reduction or waiver is required or appropriate in view of the type of pave cut to be performed.

55-6.

Fees.

A permit fee, inspection fee and degradation fee (for Borough streets only) shall be paid to the Borough Treasurer prior to permit issuing. The Borough shall have the right to waive fees for contractors performing work under contract with the Borough.

The permit fee shall be in the amount of twenty-five (\$25.00) dollars for each pave cut.

The inspection fee shall be in the amount of ten (\$10.00) dollars for each pave cut inspection.

The degradation fee to accompany the application as herein provided is to be as shown on Table 1 of this Chapter. Noted in accordance with Table 1 are as follows:

A. The degradation fee shall be waived for openings made on streets maintained by the Pennsylvania Department of Transportation.

 B. The number of square yards computed for the degradation fee will be based on the actual size of excavation disregarding any pavement that must be removed to enable an overlap of the surface course on the existing base course.

C. Sample computation appears with Table 1.

55-7. Cancellation of permit.

 In all cases where a permit has been issued and the work set forth in such permit has not been completed, the amount not completed shall be canceled and the degradation fee shall be refunded without interest by the Borough Treasurer upon warrant properly drawn. The permit fee and inspection fee shall not be refunded upon permit cancellation.

55-8. Revocation of permit.

All street opening permits are subject to revocation at any time by the Borough after written notice for:

A. Violation of any condition of the permit.

В.	Violation	of	any	pro	vis	sion	of	this	Cha	pter	or	any	other
	applicable	or	dina	nce	or	law	rel	ating	to	the	wor	k. ¯	

C. The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

Written notice of such violation shall be served upon the person to whom the permit was granted, or his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by United States mail, addressed to such person to be notified.

Upon revocation of the permit, the degradation fee will be refunded to permittee for that portion of the project not completed. In addition, the inspection fee will be refunded.

55-9. Time extension and fee.

If any permittee is unable to complete the street opening work on or before the date specified in the permit, the permittee shall file a written application for an extension of time with the Borough Zoning Officer. The written application shall be in letter form and shall thoroughly explain the reasons required. A fee of three (\$3.00) dollars shall accompany the application. This fee shall defray the costs of processing and filing the application.

55-10. Backfilling and paving.

The permittee shall be responsible for backfilling and paving the opening and restoring the street surface to its original condition.

The Borough Engineer shall have full authority to establish reasonable standards for paving and backfilling materials and associated procedures. Details specifying paving and backfilling procedures will be available from the Borough Engineer prior to any street opening work.

55-11. Backfilling and replacing surface; when done by Borough.

In case the work has not been completed before the date of expiration as shown on permit, which time shall be fixed when the permit and/or time extension is granted, the Borough may take steps to backfill the trench and replace the street surface over the opening for which the permit has been issued. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of this work. Payment not made within thirty (30) days

will be chargeable against the posted bond including all fees and costs involved in the collection of this payment.

55-12. Responsibility; extra inspectors; other rules.

The permittee, shall assume all responsibility for the excavation made by such party for refilling the same and for all damages that may arise be reason of the digging of such trenches or excavations. Whenever it is determined by the Borough Engineer that in the best interests of the Borough it is necessary to assign additional street opening inspectors to supervise excavation, backfill or pavement restoration operations, such inspectors shall be paid by the permittee at a reasonable rate per day to be fixed by the Borough.

The Borough is authorized to make such other rules and regulations for the excavation of streets which it may deem necessary for the proper maintenance of the street surface due to excavations, which rules and regulations shall be printed upon the permit granted or forwarded from the Borough in writing from time to time.

55-13. Test holes.

A street opening permit shall be obtained for any test hole work. No test holes shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation or test holes shall interfere with any of the water pipes, sewers, drains or the Borough or any other underground utility service. Test holes having an area of four (4) square inches or less shall be filled by the applicant with a grout composed of one part cement and two parts sand and sufficient quantity of water, filled to the surface of the highway, and the surrounding surface off the highway shall be placed in the same condition as before. Test holes greater than four (4) square inches in area shall be backfilled in accordance with the provisions of this Chapter, unless otherwise directed by the Borough Engineer.

55-14. Gutters, lights and identification.

All gutters must be left open so as not to obstruct the free passage of water, and the sidewalks and foot ways must be kept in a safe and passable condition. All excavations or material from them shall have placed upon them sufficient lights and barricades to identify them from all directions during the day and after dark.

If for safety purposes the Borough deems it necessary to install additional warning devices, i.e., lights, barricades, or signs, the permittee shall be notified of the decision and shall receive instructions on the installation. In case of emergencies

the Borough may install all additional warning devices deemed necessary. The Borough shall invoice the permittee for rental and installation costs incurred from the date of installation until the permittee installs warning devices.

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If the permittee fails to install such devices, the Borough shall invoice the permittee for rental and installation costs incurred from the date of installation until the date of removal. Payment not made by the permittee within thirty (30) days of the invoice date will be chargeable against the posted bond including all fees and costs involved in the collection of this payment.

All openings shall have a sign at least twelve (12) inches by eighteen (18) inches clearly displayed with the contractor's name and phone number.

55-15. Additional work.

In no case shall a permittee open or remove a greater area of street surface than specified in the original application. The permittee shall not open any street area at any location not specified in the original street opening permit. If the permittee determines during construction that an additional area of the street will have to be opened, he shall notify and secure permission from the Borough for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work no later than the next work day. Fee amounts specified in this articles shall be followed for any subsequent fees associated with supplementary applications.

55-16. Guarantee of work.

The permittee shall guarantee and maintain his work for twentyfour (24) months from the completion of the restoration and replacement work. Within this twenty-four (24) month period, upon notification from the Borough of necessary correction work required, the permittee shall correct or cause to be corrected all restoration work required within five (5) calendar days of receipt of the notification. The Borough Engineer shall determine the extent of restoration required and the method of correction. and all work not completed within this five (5) day period may be The Borough shall invoice the permittee completed by the Borough. for all costs incurred by the Borough in performance of this work. Payment not made within thirty (30) days of the invoice date will be chargeable against the posted bond including all fees and costs involved in the collection of this payment.

55-17. Penalty.

Any person violating the provisions of this Chapter shall, upon

conviction thereof, be subject to a fine not less than one hund	dred
(\$100.00) dollars nor more than three hundred (\$300.00) dollars	for
each and every offense together with costs, and in the default	t of
payment thereof, to imprisonment in the Luzerne County Jail for	or a
period not exceeding thirty (30) days.	

Each failure to obtain a permit, or, having obtained a permit, to comply with any of the requirements of this Chapter, and each and every day which such violation shall continue shall constitute a separate offense.

The Borough reserves the right to deny the issuance of future street opening permits to any person who violates the provisions of this Chapter.

TABLE 1 DEGRADATION FEE	Rate of Fee in dollars per square yard. Streets constructed, reconstructed or resurfaced within
	the following number of years prior to issue date of permit. Rates associate with emergency situations or approved exceptions.

PAVEMENT STRUCTURE

PAVEMENT STRUCTURE	Less Than 1 Year		3 to 5	Greater Than 5 Years
Concrete foundation (10 inches				
or less in depth) with any	24.00	10.00	35 00	
asphalt surface. Concrete foundation (greater	24.00	19.00	15.00	
than 10 inches in depth)				
with any asphalt surface.	28.00	22,00	18.00	
Cement concrete surface streets.	24.00	19.00	15.00	
Bituminous concrete surface with				
bituminous or stone base.	20.00	16.00	13.00	
Macadam, vitrified block, or				
granite block on stone foundation.	14.00	11.00	9.00	
Unpaved public streets or alleys.	3.00	3.00	3.00	

EXAMPLE:

Degradation fee for street with bituminous concrete surface and stone base three years old; 80 square yards -- 80 Sq. Yds. at \$13.00/Sq. Yd. = \$1,040.00.

The number of square yards used in the computation of fees will be based on the nearest whole square yard figure.

Minimum fee to be equal to the rate for one (1) square yard.

NOTES:

- 1) The number of square yards of excavation shall be computed to the nearest whole square yard.
- 2) Minimum fee shall be equal to fee for one (1) square yard.
 - 3) Additional square yards, if required during construction, shall be added to the original square yard computation to

obtain an adjusted total. Additional fee shall be based on the adjusted total.

FEES

1	Chapter 57
2	PEES
3	
4	
5	ARTICLE I
6	Copies of Police Reports
7	
8	57-1. Fee for copies of vehicle accident reports.
9	
10	57-2. Disposition of monies.
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13	ARTICLE I
14	Copies of Police Reports
15	
16	57-1. Fee for copies of vehicle accident reports.
17	
18	In accordance with the Vehicle Code of the Commonwealth of
19	Pennsylvania, the Police Department of the Borough of Exeter shall,
20	upon request, furnish at a cost of fifteen dollars (\$15.00) a
21	certified copy of the full report of the investigation by the
22	Exeter Borough Police Department of any vehicle accident to any

57-2. Disposition of monies.

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All monies collected by the Police Department for accident reports under this Chapter shall be turned over to the Borough Secretary for deposit in the Borough general fund.

person authorized to receive such a report under the Vehicle Code.

FIREARMS AND OTHER SIMILAR DEVICES

Chapter 58 FIREARMS AND OTHER SIMILAR DEVICES

58-1. General provisions.

6		
7	58-2.	Prohibited acts.
8		
9	58-3.	Exceptions.
10		
11	58-4.	Violations and penalties.
12		
13		
14	58-1.	General provisions.
15		
16		ept in necessary defense of person and property and except
17		ided in Section 58-3 of this Chapter, it shall be unlawful
18		person to use, fire, or discharge any gun or other firearm
19	within t	the Borough of Exeter.
20		
21	58-2.	Prohibited acts.
22		
23		shall be unlawful for any person to discharge any air rifle,
24		tol, spring gun, spring pistol, B-B gun, bow and arrow, or
25		device, or any implement that is not a firearm but which
26		a pellet of any kind with a force that can reasonably be
27		d to cause bodily harm, at any place with the Borough of
28		except as provided in Section 58-3 of this Chapter, and
29		on a target range which is properly constructed to trap or
30	stop the	e projectile as ascertained by the Chief of Police.
31		
32	58-3.	Exceptions.
33		
34	This	s Chapter shall not apply to:
35		
36	A.	
37		actually engaged in hunting where permitted under the laws
38		of the Commonwealth of Pennsylvania;
39		
40	в.	Members of any organization incorporated under laws of this
41		Commonwealth engaged in target shooting upon the grounds or
42		property belonging to or under the control of such
43		organization; and
44 .	_	
45	c.	Any law enforcement officers when used in the discharge of
46		their official duties.
47		
48	58-4.	Violations and penalties.
49	_	
50	Any	person who shall violate any provision of this Chapter

FIREARMS AND OTHER SIMILAR DEVICES

shall, upon conviction less than twenty-five	(\$25.00) d	dollars and	not more	than	three
hundred dollars (\$300.00 exceed ninety (90) days	0), and/or	to imprisonm	ent for a	term	not to

FIRE PREVENTION

1 2		Chapter 59 FIRE PREVENTION
3 4		
5 6	59-1.	Adoption of Fire Prevention Code.
7 8	59-2.	Additions, insertions and changes.
9 10	59-3.	Establishment of limits.
10 11 12		GENERAL REFERENCES
13		
14 15		Grass and Weeds - See Ch. 29 ks and Explosives - See Ch. 61
16 17	Garbage	e, Rubbish and Refuse - See Ch. 66 .ng - See Ch. 82
18 19		
20 21	59-1.	Adoption of Fire Prevention Code.
22	A	certain document, three (3) copies of which are on file in
23	the Off	ice of the Borough Secretary of the Borough of Exeter, being
24	marked	and designated as the "BOCA Basic Fire Prevention Code,
25		Edition, 1990," as published by the Building Officials and
26		lministrators International, Inc., is hereby adopted as the
27		evention Code of the Borough of Exeter in the Commonwealth
28		nsylvania, for the control of buildings and structures as
29	herein	provided; and each and all of the regulations, provisions,
30		es, conditions and terms of the BOCA Basic Fire Prevention
31 32	hereby	Eighth Edition, 1990, except as hereinafter amended, are referred to, adopted and made a part hereof as if fully set
33	out in	this Chapter.
34 35 36	59-2.	Additions, insertions and changes.
3 7	The	BOCA National Fire Prevention Code, Eighth Edition, 1990,
38 39		ided and changed in the following respects:
40 41 42	Α.	Section F-100.1 (page 1) is amended to read as follows:
+2 43 44 45 46		(1) Title: These regulations shall be known as the Fire Prevention Code of the Borough of Exeter hereinafter referred to as "this Code".
47 48	59-3.	Establishment of limits.
18 19 50	The Fire Pi	e limits referred to in Section F-2601.2 of the BOCA National revention Code - 1990 in which the storage of explosives,

FIRE PREVENTION

ammunition and blasting agents is prohibited are hereby established as follows:

- A. Manufacturing: The manufacture of explosives or blasting agents shall be prohibited unless such manufacture is approved. This shall not apply to hand loading of small arms ammunition for personal use when not for resale.
- B. Storage: The storage of explosives and blasting agents is prohibited with the limitations established by law as the limitations of the district in which such storage is to be prohibited, except for temporary storage for use in connection with approved blasting operations, provided that this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than five hundred (500) pounds (227kg) of explosive material.
- C. Quantity Control: If necessary, the Code Official shall limit the quantity of explosives or blasting agents to be permitted at any location.
- D. Sale and Display: A person shall not sell or display explosives or blasting agents on highways, sidewalks, public property or in places of assembly or education.

FIRES AND OPEN BURNING

Chapter 60 FIRES AND OPEN BURNING

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- 60-1. Definitions.
- 60-2. Regulations.
- 60-3. Exceptions.
- 60-4. Enforcement.
- 60-5. Penalties.

60-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FURNACE - Any enclosed device specifically designed for burning any material for the production of heat.

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

COUNCIL - The Borough Council of the Borough of Exeter.

INCINERATOR - Any device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material.

OPEN FIRE - A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON - Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE - Garbage, rubbish and trade waste.

RUBBISH - Solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or

FIRES AND OPEN BURNING

material, including but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTE - All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of a business, trade or industry including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

60-2. Regulations.

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Within the limits of the Borough of Exeter, no person shall:

- A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building, or
- B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.

60-3. Exceptions.

The restrictions of this Chapter shall be subject to the following exceptions:

- A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
 - (1) The prevention of a fire hazard which cannot be abated by other means; or
 - (2) The protection of public health.

60-4. Enforcement.

The Zoning Officer of the Borough of Exeter as well as any Exeter Borough Police Officer shall have the power to enforce the provisions of this Chapter.

60-5. Penalties.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

FIREWORKS AND EXPLOSIVES

Chapter 61 FIREWORKS AND EXPLOSIVES

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61-1. Possession or discharge of fireworks restricted.

61-2. Permit for fireworks displays.

61-3. Manufacture of explosives prohibited.

61-4. Violations and penalties.

61-1. Possession or discharge of fireworks restricted.

It shall be unlawful to store, sell, keep for sale or discharge any kind of fireworks, firecrackers, torpedoes, cap, pistol, revolver, cane, cannon or other substance, thing or appliance designed or intended for noise making or for pyrotechnic display within the limits of the Borough of Exeter except only under the conditions provided in Section 61-2 hereof.

61-2. Permit for fireworks displays.

The Mayor, subject to the approval of the Borough Council, is hereby authorized to issue permits for public exhibitions of fireworks under the direct supervision of experts in the handling of the same.

61-3. Manufacture of explosives prohibited.

The manufacture of explosives or explosive devices of any nature whatsoever within the Borough of Exeter is hereby prohibited.

61-4. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred (\$300.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, by imprisonment in the County jail for a term of not more than ninety (90) days.

1 2 3		Chapter 66 GARBAGE, RUBBISH AND REFUSE
4 5 6		ARTICLE I Definitions and Limitations
7 8	66-1.	Definitions.
9 10 11	66-2.	Disposal.
12 13	66-3.	Containers.
14 15	66-4.	Limitations.
16 17 18		ARTICLE II Receptacles
19 20	66-5.	Requirements.
21 22	66-6.	Specifications.
23 24	66-7.	Damage or deteriorated receptacles.
25 26	66-8.	Placing garbage in receptacles.
27 28	66-9.	Unauthorized use of receptacles.
29 30 31		ARTICLE III Collection
32 33	66-10.	Frequency of regular collection service.
34 35	66-11.	Maximum amount of containers collected.
36 37		ARTICLE IV Garbage Collection Stickers
38 39 40	66-12.	Garbage collection stickers.
41 42	66-13.	Receipts.
43 44		ARTICLE V Services Fees
45 46 47	66-14.	Fees. Amended.
48 49	66-15.	Rules and regulations.
50	66-16.	Collection of fees.

		GARDAGE, RUBBISH AND REPUSE
1 2		ARTICLE VI Violations and Penalties
3 4	66-17.	Violations and penalties.
5 6 7 8		ARTICLE VII Mandatory Recycling Program
9	66-18.	Purpose.
10 11 12	66-19.	Definitions.
13 14	66-20.	Residential recycling requirements.
15 16	66-21.	Commercial recycling requirements.
17 18	66-22.	Disposal of lead batteries.
19 20	66-23.	Disposal of leaf waste and similar material.
21 22	66-24.	Borough ownership of recyclables.
23 24	66-25.	Recycling of materials.
25 26	66-26.	Delegation of duties.
27 28	66-27.	Enforcement.
29		
30 31		ARTICLE I
32		Definitions and Limitations
33 34	66-1.	Definitions.
35 36 37 38 39	Α.	The term "garbage" as herein used shall mean every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use cooking, dealing in, or storing of meat, fish, fruit or vegetables.
40 41 42 43 44 45 46	В.	The term "rubbish" as herein used shall mean waste material and refuse of every character collected or accumulated within the Borough, except garbage, and shall include by way of enumeration but not by way of limitation grass, leaves, sticks, tree branches, stone, concrete, old boards, broken glass, used furniture or household appliances, tin cans, newspapers.
47 48	66-2.	Disposal.
49 50	It	shall be unlawful for any person, firm or corporation to

dispose of or dump garbage or rubbish upon the streets of the Borough or upon any public or private premises other than those duly designated for such purpose by Borough Council.

66-3. Containers.

All garbage and rubbish shall be placed in containers of the type and size hereinafter prescribed and said containers shall be placed at convenient outdoor pickup locations on the terrace next to the street in residential areas or in the alley or rear of commercial areas.

66-4. Limitations.

- A. Borough employees and/or contractors will not go upon private property to collect rubbish or garbage except areas that are open to the public and accessible to the garbage packer.
- B. The following items will <u>not</u> be collected by Borough employees and/or contractors and must be disposed of by the owner thereof:
 - (1) Motor vehicles.
 - (2) Waste from the demolition, destruction, burning or disposal of buildings.
 - (3) Large household appliances, e.g. stoves, refrigerators, washing machines, dryers, freezers.
 - (4) Concrete.
 - (5) Large limbs, tree trunks, tree roots.
 - (6) Items weighing more than forty (40) pounds.
 - (7) Tires.
 - (8) Poisons.
 - (9) Explosives.
 - (10) Dangerous or corrosive chemicals.
 - (11) Clothing taken from persons with infectious diseases.
 - (12) Heavy metals or metal parts.

- (13) Rocks, bricks, concrete blocks.
- (14) Refuse from construction or remodeling.
- C. Newspapers must be tied in bundles.
- D. Cardboard boxes must be broken down and bundled.

ARTICLE II Receptacles

66-5. Requirements.

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Any person using or occupying any building, house or structure within the Borough shall provide and maintain in good order and repair garbage or trash receptacles of sufficient number to contain the garbage or trash that will accumulate on the premises.

66-6. Specifications.

Receptacles used for storage for garbage and rubbish shall be watertight and meet the following specifications:

- A. Garbage containers shall not exceed forty (40) pounds in weight.
- B. All garbage shall be placed for collection in standard size (not to exceed thirty (30) gallons metal or plastic garbage cans with covers and handles, or in plastic or waterproof paper trash bags. The trash bags must be tied and be sturdy enough so that they can be handled without breakage and tearing.
- C. Trash cans shall be of a durable grade of galvanized metal or other suitable material approved by the Borough, from twenty (20) to thirty (30) gallons in capacity and weighing not more than twenty-five (25) pounds empty or forty (40) pounds fully loaded with normal refuse. Trash cans shall have two lifting handles on opposite sides and a tightly-fitting cover with a lifting handle. The cans shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.
- D. Refuse bags made of heavy multiple-ply paper or polyethylene or ethylene, copolymer resin and designed for outdoor storage or refuse are required. Bags must be securely tied or sealed to prevent emission of odor and shall be of a material so that liquids and greases will not be able to penetrate through the material and shall be of

sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling.

66-7. Damage or deteriorated receptacles.

 Receptacles which have deteriorated, or have been damaged to the extent that the covers will not fit securely or those having jagged or sharp edges capable of causing injury to refuse collectors or other person whose duty is to handle containers, are declared a nuisance and shall be condemned by the Borough of Exeter or its authorized representatives. If such receptacles are not removed within five (5) days after notice of such defective conditions to the owner or user, then such receptacles shall be confiscated.

66-8. Placing garbage in receptacles.

Garbage or trash that is mixed with water or other liquids shall be drained before being placed in a garbage or trash receptacle. Animal matter that is subject to decomposition shall be wrapped in paper or other combustible material before being placed in a garbage receptacle. Grease in a free-flowing state shall be reduced to a solid.

66-9. Unauthorized use of receptacles.

It shall be unlawful for any person to place or permit another to place any garbage or trash in any receptacle at any refuse collection point unless the refuse is from the premises served by the container.

The owner or occupant of any building, house, structure or land shall cause to be removed all refuse items which will not be collected by the regular Borough collection service and which are located, owned or deposited on the property. Removal, at the owners' expense, within three (3) days of notice by the Borough is required. It shall be unlawful to deposit any such prohibited refuse at the Exeter Borough landfill. Such refuse shall be deposited at an approved disposal area outside of the Borough of Exeter.

ARTICLE III Collection

66-10. Frequency of regular collection service.

Regular Borough collection service shall be provided one (1) time per week for the protection of the public health and the control of flies, insects and rodents.

66-11. Maximum amount of containers collected.

During each regular collection the Borough will collect a maximum of three (3) containers from each residential or commercial property for which a garbage collection sticker has been purchased.

ARTICLE IV Garbage Collection Stickers

66-12. Garbage collection stickers.

A. Residential.

- (1) All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Exeter, including any apartment, mobile home or trailer, which is used in whole or in part for residential purposes must purchase a garbage collection sticker from the Borough of Exeter.
- (2) It shall be the obligation of the owner of any such residential structure to purchase a garbage collection sticker.
- (3) Each owner of a trailer park or a multi-family dwelling shall be responsible for purchasing a garbage collection sticker for each unit or trailer in the multi-family dwelling or trailer park. It shall be the obligation of the owner of any multi-family dwelling or trailer park to pay to the Borough the garbage collection fee for each dwelling unit or trailer.
- B. Commercial: All persons, residents, corporations, businesses, associations, etc., who own any structure in the Borough of Exeter which is used for commercial purposes may at their option purchase a garbage collection sticker from the Borough of Exeter.
- C. Purchase of Stickers: Garbage collection stickers can be obtained by making application to the treasurer of the Borough of Exeter or Borough Council's other authorized representatives. Applications may be obtained by calling the Exeter Borough Municipal Building.

66-13. Receipts.

All applicants upon payment of the fee and charges as hereinafter set forth will receive a receipt. The receipt will

note the year and expiration date and other relevant wording. receipt must be prominently displayed on the building from which the rubbish, garbage or refuse is to be removed.

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ARTICLE V Services Fees

Fees. smended 12-27-05 66-14.

Type of Premises

The annual fees for regular collection from commercial and residential premises will be as follows:

Fees

One-family Residence (maximum 3 containers)	\$80.00
Multi-family Residence (maximum 3 containers)	\$80.00 per unit
Mobile Homes (trailers)	

(maximum 3 containers) \$80.00 per mobile home Business and Commercial

Enterprises (maximum 3 containers) \$80.00

BULK PICKUP - The Borough may from time to time provide a bulk pickup service. In such an event, anyone requesting bulk pickup shall pay a fee of \$40.00 per five ton truck load and a fee of \$20.00 for any bulk pickup amounting to less than a full five ton truck load.

Rules and regulations. 66-15.

- Any residential premises requiring pickup of more than three (3) containers must arrange for private garbage disposal for the excess containers.
- All collections will be made from a place easily accessible to the garbage packer from the street from which collections are made. Collections will not be made from inside structures or enclosures.
- Borough Council or its designated representatives shall have the authority to make such additional rules and regulations concerning the manner and method of Borough refuse collection as Borough Council deems necessary.

PAGE 66-8

ORDINANCE

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AMENDING AN ORDINANCE IMPOSING THE COLLECTION OF FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE OCCUPANTS OF EXETER BOROUGH WHO PHYSICALLY RESIDE WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES PURSUANT TO CHAPTER 66, SECTION 66-16.

WHEREAS, AN ORDINANCE ADOPTED, IMPOSING COLLECTION OF FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE RESIDENTS WHO PHYSICALLY RESIDE IN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES FOR GARBAGE, RUBBISH, AND REFUSE SERVICE; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS
DESIROUS OF AMENDING CERTAIN PROVISIONS OF CHAPTER 66, SECTION
66-16, SUBSECTIONS B. AND C.;

NOW, THEREFORE, THE LANGUAGE OF CHAPTER 66, SECTION 66-16, SUBSECTION B. and C. SHALL READ:

- B. The annual garbage collection fee shall be paid on or before March 31 of each calendar year, except however that if a structure is first used for residential purposes on or after February 1st of any calendar year, then said fee shall be due and payable within thirty (30) days of the date that residential use is first established. If residential use is first established on or after July 1st of any calendar year, then only one-half of the fee set forth in Article V, Section I shall be required for that calendar year.
- C. If the fee for a garbage collection sticker is not paid within thirty (30) days of the date it is due, a Ninety (\$90.00) Dollar penalty will be added to the price of the garbage collection fee; if said fee plus penalty is not

paid within sixty (60) days of the date the fee is due the aggregate amount of the fee plus the penalty shall bear interest from the penalty date at the rate of onehalf of one percent per month or a fraction thereof. In addition, any one not paying the fee by the penalty date or not paying any penalty or interest due shall bear the cost to the Borough of collecting the fee, penalty or interest.

SHOULD ANY PORTION WHATSOEVER OF THIS ORDINANCE BE HELD INVALID OR UNENFORCEABLE FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED SEVERABLE, BUT NOT ONLY TO THE EXTENT OF SUCH HOLDING AND SUCH HOLDING SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH BE THE SAME ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT 2004.

ORDAINED AND ENACTED INTO LAW THIS 30 DAY OF DECEMBER,

2003.

PRESIDENT OF COUNCIL

ATTEST:

BOROUGH SECRETARY

APPROVED THIS 30 DAY OF DECEMBER, 2003

66-16. Collection of fees.

- A. It is the responsibility of anyone required by this ordinance to purchase a garbage collection sticker to pay the annual garbage collection fee for said sticker.
- B. The annual garbage collection fee shall be paid on or before February 28th of each calendar year, except however that if a structure is first used for residential purposes on or after February 1st of any calendar year, then said fee shall be due and payable within thirty (30) days of the date that residential use is first established. If residential use is first established on or after June 1st of any calendar year, then only one-half of the fee set forth in Article V Section I shall be required for that calendar year.
- C. If the fee for a garbage collection sticker is not paid within 30 days of the date it is due, a 10 percent penalty shall be added thereto; if said fee plus penalty is not paid within 60 days of the date the fee is due, the aggregate amount of the fee plus penalty shall bear interest from the penalty date at the rate of 1/2 of 1 percent per month or fraction thereof. In addition, anyone not paying the fee due by the penalty date or not paying any penalty or interest due, shall bear the cost to the Borough of collecting said fee, penalty or interest.
- D. Any individual or enterprise not paying its garbage collection fee within the time required by this Section shall be in violation of this Chapter and each day that the garbage collection fee remains unpaid shall constitute a separate violation of this Chapter.

ARTICLE VI Violations and Penalties

66-17. Violations and penalties. - amended 13/30/03

Any garbage, rubbish or other refuse not collected by the Borough, either because of the limitations provided in this Chapter or because of non-payment of a fee shall be disposed of by the owner. Failure of the owner to dispose of garbage, rubbish or other refuse not collected by the Borough shall be considered a violation of this Chapter and the owner shall be subject to the penalties hereinafter provided.

A. Any person who shall violate any provision of this Chapter shall upon conviction thereof for each violation, be subject to a fine of not less than fifty (\$50.00) dollars

GARBAGE, RUBBISH AND REFUSE

nor more than three hundred (\$300.00) dollars in the discretion of the Court, plus costs of prosecution. In default of the payment of such fines and costs, such person shall be imprisoned in the County jail for a period of not more than ten (10) days.

- B. It shall be considered a violation of this Chapter where more than one residential premises and/or business or commercial enterprise are aggregating their garbage and trash for collection under one service fee. In such event, both parties will be considered in violation of this Chapter.
- C. Each day that any violation of this Chapter exists shall be considered a separate and distinct violation.

ARTICLE VII Mandatory Recycling Program

66-18. Purpose.

It is the goal and purpose of this Chapter to effectuate the Borough's compliance with Act 101, by facilitating efficient disposal of solid waste generated within the Borough in the most economical, environmentally acceptable manner, and also to reduce the total volume of solid waste disposal of by the Borough. This Chapter is also designed, in accordance with the Borough's police powers, to protect the health, welfare, and safety of the residents of this Borough.

66-19. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

PERSON - Any individual, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Chapter prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

COMMERCIAL ESTABLISHMENT - Any entity in business for profit and which has not previously been afforded municipal waste collection.

CORRUGATED PAPER - Paper which has been shaped or wrinkled into

parallel grooves and ridges, including cardboard, wrapping and packaging paper.

INDEPENDENT CONTRACTOR - A private garbage hauler engaged by a commercial establishment.

NEWSPRINT - A cheap, low-grade paper made mainly from wood pulp and used chiefly for newspapers.

RESIDENT - A person who lives in a residential structure.

RESIDENTIAL - Any noncommercial building used for family dwelling and which contains no more than four (4) dwelling units.

RECYCLABLE MATERIALS - Materials which are separated from the remainder of municipal waste in compliance with Section 1501 of Act 101.

SOLID WASTE - Materials or substances discharged or rejected as being spent, useless, worthless, or in excess by the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances, and those in gaseous form. Such waste is more commonly defined as "Municipal Waste" under rules and regulations promulgated by the Pennsylvania Department of Environmental Resources. The waste shall include, but is not limited to, garbage, sludge, rubbish, ashes, street cleaning, dead animals, offal, abandoned vehicles, agricultural waste.

66-20. Residential recycling requirements.

- A. In accordance with Section 1501 of Act 101, 53 P.S. 4000.1501, the following items are hereby declared as the designated residential recyclable materials:
 - (1) Newsprint, which until such time as may be prohibited by the recycling facility, may also include glossy advertising inserts;
 - (2) Aluminum cans;
 - (3) Clear glass;
 - (4) Colored glass;
 - (5) Certain types of plastics.
- B. Each resident must establish within the household a program for effective source separation of the aforementioned

66-10

recyclable materials. Said recyclable materials must be kept separate from other solid waste, and shall be disposed of as hereinafter set forth. Further, all of the designated recyclable materials must be stored in an area free from exposure to the elements and shall be properly secured so as to be safe from vermin.

- C. The Borough shall provide each residential dwelling one (1) recyclable materials container, which container must be utilized by the resident when placing the aforementioned recyclables at curbside for collection. The container shall remain the property of the Borough, and the recyclables shall become the property of the Borough when placed at curbside for collection.
- D. The Department of Public Works of the Borough shall establish a schedule for collection of the recyclable materials which conforms to the requirements of Section 1501(d) of Act 101. Suitable public notice of said schedule of collection shall be made via newspaper advertisement.

66-21. Commercial recycling requirements. 2/67

- A. In accordance with Section 1501 of Act 101, the following are designated as the designated commercial recycling materials:
 - High grade office paper;
 - (2) Aluminum;

- (3) Corrugated Paper;
- (4) Leaf waste.
- B. Each commercial establishment shall develop an effective program for the source separation of the aforementioned recyclables. These materials must be kept separate from other solid waste. Further, the recyclable materials must be stored in an area free from exposure to the elements and properly secured, so as to be safe from vermin.
- C. Each commercial establishment shall arrange with an independent contractor for private collection of the aforementioned recyclables, as well as for collection of remaining solid waste, which independent contractor shall comply with all governing statutes for proper disposal of same.

D. Any commercial establishment which seeks exemption from the requirements of this Chapter on the basis that it has otherwise provided for the recycling of the designated recyclable materials shall report no later than January 15th of each year to the Borough the total number of tons recycled in compliance with Section 1501 (c) (1) (iii) of Act 101.

66-22. Disposal of lead batteries.

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Any resident wishing to dispose of a lead acid battery shall deliver same to an automotive battery retailer or wholesaler, or to a secondary lead smelter permitted by the United States Environmental Protection Agency, or to an authorized recycler, as required by Section 1510 of Act 101. No other form of disposal shall be lawful.

66-23. Disposal of leaf waste and similar material.

Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings, shall be separated from other municipal waste generated by residents, and shall be placed at curbside in accordance with the collection scheduled adopted by the Borough. Said waste shall be placed at curbside separately in a polyethylene trash bag of thirty (30) gallon capacity or in a disposable corrugated container.

66-24. Borough ownership of recyclables.

Upon placement at curbside of the container supplied by the Borough, as hereinbefore mentioned, all recyclables shall become the property of the Borough, whose responsibility it shall be to dispose of the recyclables in conformity with Act 101. No person or persons other than the Department of Public Works or this duly authorized agents may collect and dispose of recyclables placed at curbside. Violation of this section shall be considered as criminal theft or scattering rubbish under the Pennsylvania Crimes Code, depending upon the severity of the violation, and may be prosecuted in accordance with existing law.

66-25. Recycling of materials.

It shall be unlawful for any person to dispose of the materials designated herein as recyclables with regular municipal waste. The Department of Public Works and its designated agents are hereby authorized to regularly inspect all municipal waste collected for violations of this Chapter.

The Borough reserves the right to refuse to collect municipal waste which contains unseparated recyclable materials in violation

of Section IV of this Chapter.

66-26. Delegation of duties.

The Borough, if it deems it appropriate, may enter into an agreement with any private firm for the collection of recyclables, pursuant to Section 1501 (e)(1)(ii) of Act 101.

66-27. Enforcement.

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10 Any person who violates any provision of this Chapter, except 11 as hereinbefore stated in Section IX, shall, upon conviction 12 thereof in a summary proceeding, be sentenced to pay a fine of not 13 less than one hundred dollars (\$100.00) nor more than three hundred 14 dollars (\$300.00) and costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for a 15 16 period of not more than thirty (30) days. Further, each day for 17 which a violation occurs and each violation of any provision of 18 19 this Chapter shall constitute a separate offense. 20

66-13

ORDINANCE NO. _____ OF 2005

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AMENDING AN ORDINANCE IMPOSING THE COLLECTION OF FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE OWNERS WHO OWN REAL PROPERTY WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES PURSUANT TO CHAPTER 66.

WHEREAS, AN ORDINANCE ADOPTED, AMENDING THE FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE REAL PROPERTY OWNERS IN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES FOR GARBAGE, RUBBISH, AND REFUSE SERVICE; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF AMENDING THE FEE AND PENALTIES FOR GARBAGE, RUBBISH AND REFUSE;

NOW, THEREFORE,

SECTION 1.

The price for garbage stickers in the Borough of Exeter shall be amended to cost \$110.00.

SECTION 2, SUBSECTION C.

The language of Chapter 66, Section 66-16, Sub-section c shall read:

If the fee for garbage collection stickers is not paid on or by March 31 for each calendar year, a \$90.00 penalty will be added to the price of the garbage collection fee. In addition, any one not paying the fee by the penalty date or not paying any penalty due shall bear the cost to the Borough of collecting the fee, penalty, and interest.

SHOULD ANY PORTION WHATSOEVER OF THIS ORDINANCE BE HELD INVALID OR UNENFORCEABLE FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED SEVERABLE, BUT NOT ONLY TO THE EXTENT OF SUCH HOLDING AND SUCH HOLDING SHALL NOT AFFECT

THE REMAINING PORTIONS OF THIS ORDINANCE.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH BE THE SAME ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT Jonuary 2006

ORDAINED AND ENACTED INTO LAW THIS 37 DAY OF DECEMBER,

2005

CHAIRMAN

ATTEST:

BOROUGH SECRETARY

MAYOR

ORDINANCE NO. $\frac{4}{200}$ OF 2009

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AMENDING AN ORDINANCE IMPOSING THE COLLECTION OF FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE OWNERS WHO OWN REAL PROPERTY WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES PURSUANT TO CHAPTER 66, SECTION 66-16.

WHEREAS, AN ORDINANCE ADOPTED, IMPOSING COLLECTION OF FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE REAL PROPERTY OWNERS IN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES FOR GARBAGE, RUBBISH, AND REFUSE SERVICE; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF AMENDING THE FEE AND PENALTIES FOR GARBAGE, RUBBISH AND REFUSE;

NOW THEREFORE,

SECTION 1.

The price for garbage stickers in the Borough of Exeter shall be amended to cost \$150.00 if purchased by February 28, 2010 and \$180.00 if purchased by March 31, 2010.

The price for garbage stickers in the Borough of Exeter for senior citizens, age 64 before March 31, 2010, shall be amended to cost \$110.00 if purchased by February 28, 2010 and \$130.00 if purchased by March 31, 2010.

SECTION 2.

The language of Chapter 66, Section 66-16, Sub-section C shall read:

If the fee for garbage collection stickers is not paid on or by March 31 for each calendar year a \$90.00 penalty will be added to the price of the garbage collection fee. In addition, any one not paying the fee by the penalty date or not paying any penalty due shall bear the cost to the Borough of collecting the fee, penalty and interest.

SHOULD ANY PORTION WHATSOEVER OF THIS ORDINANCE BE HELD INVALID OR UNENFORCEABLE FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED SEVERABLE, BUT NOT ONLY TO THE EXTENT OF SUCH HOLDING AND SUCH HOLDING SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH BE THE SAME ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT 2010.

ORDAINED AND ENACTED INTO LAW THIS Y DAY OF January. 20<u>10</u>.

PRESIDENT OF COUNCIL

ATTEST:

APPROVED THIS _____ DAY OF

Rentals

EXETER BOROUGH ORDINANCE NO. μ of 2006

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA ESTABLISHING AND ASSESSING REGISTRATION REQUIREMENTS FOR THOSE INDIVIDUALS WHO OWN RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER.

WHEREAS, AN ORDINANCE ESTABLISHING AND ASSESSING A REGISTRATION REQUIREMENT ON THOSE INDIVIDUALS WHO OWN RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER, MORE SPECIFICALLY, REQUIRING LANDLORDS TO REGISTER THEIR TENANTS WITH THE PROPERLY AUTHORIZED AGENTS OF EXETER BOROUGH LOCATED AT 1101 WYOMING AVENUE, EXETER, LUZERNE COUNTY, PENNSYLVANIA 18643, THE DOCUMENTATION OF WHICH WILL BE USED BY EXETER BOROUGH OFFICIALS IN DETERMINING THOSE WHO RESIDE WITHIN THE EXETER BOROUGH JURISDICTION.

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH" IS DESIROUS OF ESTABLISHING A REGISTRATION REQUIREMENT SO THAT ALL INDIVIDUALS, WHETHER RESIDING WITHIN THE BOROUGH OF EXETER OR OUTSIDE OF THE BOROUGH OF EXETER, THAT OWN PROPERTY WITHIN THE BOROUGH OF EXETER AND RENT SAID PROPERTY TO TENANTS ARE REQUIRED TO NOTIFY THE AUTHORIZED AGENT OF EXETER BOROUGH OF WHICH TENANTS RESIDE AT EACH LOCATION OWNED.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

THE EXETER BOROUGH COUNCIL WILL AUTHORIZE AN AGENT OF EXETER BOROUGH TO ACCEPT AND ENFORCE REGISTRATION REQUIREMENTS ON THOSE WHO OWN RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER.

SECTION 2.

IT IS UNDERSTOOD THAT THIS REGISTRATION REQUIREMENT IS IN FULL FORCE AND EFFECT AND IS REQUIRED UPON ALL LANDLORDS THAT OWN RENTAL PROPERTIES IN THE BOROUGH OF EXETER. WHERE THE OWNERS OF THE RENTAL PROPERTIES RESIDE IS OF NO CONSEQUENCE TO THE ENFORCEMENT OF THIS ORDINANCE. THE MERE FACT THAT THE OWNERS OF THESE PROPERTIES, OWN PROPERTIES WITHIN THE BOROUGH OF EXETER, REQUIRES COMPLIANCE WITH THIS ORDINANCE.

SECTION 3.

DEFINITIONS:

ADULT - AN INDIVIDUAL OF THE AGE OF 18 YEARS OR MORE.

DWELLING - ANY BUIDLING OR PORTION THEREOF DESIGNED OR USED EXCLUSIVELY AS THE RESIDENCE OR SLEEPING PLACE OF ONE (1) OR MORE PERSONS. THIS DEFINITION SHALL BE CONSTRUED TO INCLUDE MOBILE HOMES AND ROOMING HOUSE. THIS DEFINITION SHALL NOT BE CONSTRUED TO INCLUDE HOTELS, MOTELS, HOMELESS SHELTERS, DORMITORIES, HOSPITALS, REHABILITATION OR TREATMENT CENTERS, NURSING HOMES OR PESONAL CARE HOMES.

LANDLORD - A NATURAL OR NON-NATURAL PERSON OR ENTITY WHICH OFFERS FOR HABITATION AS OWNER OR MANAGES ONE OR MORE DWELLINGS WITHIN THE BOROUGH OF EXETER.

ROOMING HOUSE - A BUILDING IN WHICH ROOMS FOR LODGING AND/OR BOARDING ARE LET FOR A FEE TO THREE OR MORE INDIVIDUALS NOT INCLUDING INDIVIDUALS RELATED BY BLOOD OR MARRIAGE TO THE OWNER OR OWNERS OF THE PREMISES.

SECTION 4.

LANDORDS ARE REQUIRED TO REGISTER THEIR TENANTS WITH THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITHIN THIRTY (30) DAYS OF THE DATE THE LANDLORD ACCEPTS THE TENANT. THE DATE IS TO BE DETERMINED BY THE DATE ON THE LEASE AGREEMENT BETWEEN SAID TENTANT AND SAID LANDLORD. IF THE LANDLORD DOES NOT REGISTER THE TENANT WITH THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITHIN THIRTY (30) DAYS OF THE DATE THE TENANT WAS ACCEPTED ON THE LANDLORD'S RENTAL PROPERTY THEN SAID LANDLORD IS SUBJECT TO THE PENALTY SECTION OF THIS ORDINANCE.

SECTION 5.

THE LANDLORD IS REQUIRED TO REGISTER THE TENANT WITH THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER AND IS REQUIRED TO PROVIDE THE FOLLOWING INFORMATION TO SAID AUTHORIZED AGENT: NAME OF TENANT AS IT APPEARS ON THE RENTAL OR LEASE AGREEMENT, PHOTOCOPY OF TENANT'S DRIVER LICENSE, TENANT'S SOCIAL SECURITY NUMBER, AND TENANT'S ADDRESS INCLUDING TENANT'S UNIT NUMBER IF NECESSARY AT THE RENTAL COMPLEX.

SECTION 6.

THIS ORDINANCE ESTABLISHES THE REGISTRATION REQUIREMENTS ON LANDLORD AND NOT ON TENANTS. IF MORE THAN ONE INDIVIDUAL OWNS THE RENTAL PROPERTY THEN THIS ORDINANCE IS ENFORCEABLE AGAINST ALL OWNERS OF SAID RENTAL PROPERTIES.

SECTION 7.

THE REGISTRATION REQUIREMENTS ENACTED BY THE BOROUGH OF EXETER IN THIS ORDINANCE ARE ENFORCEABLE AGAINST LANDLORDS AND REQUIRE LANDLORDS TO REGISTER THEIR TENANTS WITH THE AUTHORIZED AGENT OF EXETER BOROUGH ON OR BY MARCH 31ST OF EACH CALENDAR YEAR HEREAFTER.

SECTION 8.

ALL THOSE OWNING RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER WHO RENT THOSE PROPERTIES TO INDIVIDUALS ARE REQUIRED TO CONTACT THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITHIN THIRTY (30) DAYS OF THE PASSAGE OF THIS ORDINANCE TO REGISTER THOSE INDIVIDUALS WHO CURRENTLY RESIDE IN THEIR RENTAL PROPERTIES AND ARE TO PROVIDE THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITH: NAME OF TENANT AS IT APPEARS ON THE RENTAL OR LEASE AGREEMENT, PHOTOCOPY OF TENANT'S DRIVER LICENSE, TENANT'S SOCIAL SECURITY NUMBER, AND TENANT'S ADDRESS INCLUDING TENANT'S UNIT NUMBER IF NECESSARY AT THE RENTAL COMPLEX.

SECTION 9.

THIS ORDINANCE IS ENFORCEABLE AND APPLIES TO ANY INDIVIDUAL OWNING RENTAL PROPERTY IN THE BOROUGH OF EXETER, ANY MUNICIPAL CORPORATION OWNING AND RENTING PROPERTY IN THE BOROUGH OF EXETER, ANY PRIVATE ENTITY OWNING AND RENTING PROPERTY IN THE BOROUGH OF EXETER, AND ANY PUBLIC ENTITY OWNING AND RENTING PROPERTY IN THE BOROUGH OF EXETER FOR ANY USE OTHER THAN COMMERCIAL.

SECTION 10.

LEGISLATIVE HISTORY

THE BOROUGH OF EXETER ENACTS THIS ORDINANCE OUT OF THE CONCERN FOR THE SAFETY OF ITS RESIDENTS AND OUT OF A NECESSITY FOR PROPERLY ENFORCING THOSE LAWS WHICH REQUIRE THE PROPER MAINTENANCE OF PROPERTY WITHIN THE BOROUGH OF EXETER AND THE PROPER ENFORCEMENT OF THE GARBAGE/REFUSE ORDINANCE OF EXETER BOROUGH. ADDITIONALLY, EXETER BOROUGH COUNCIL ACKNOWLEDGES THAT THE ENFORCEMENT OF THE EARNED INCOME WAGE TAX IS MORE EASILY

ENFORCEABLE WITH THE REGISTRATION OF THOSE INDIVIDUALS WHO RESIDE WITHIN THE BOROUGH OF EXETER.

SECTION 11.

THE DOCUMENTATION REQUIRED FOR THE ENFORCEMENT OF THIS ORDINANCE BY THE AUTHORIZED AGENT FOR EXETER BOROUGH COUNCIL WILL BE USED IN ENFORCING OTHER ORDINANCES ENACTED BY THE EXETER BOROUGH COUNCIL. MORE SPECIFICALLY, EXETER BOROUGH WILL USE THE RESULTS OF THE REGISTRATION FROM THIS ORDINANCE TO ENFORCE ITS GARBAGE/REFUSE STICKER ORDINANCE, TO ENFORCE ITS EARNED INCOME WAGE TAX ORDINANCE, AND TO ENFORCE ITS PROPERTY MAINTENANCE ORDINANCES.

SECTION 12.

PENALTIES

FAILURE OF ANY INDIVIDUAL TO COMPLY WITH THE REGISTRATION OF THEIR TENANTS WITH EXETER BOROUGH OFFICIALS OR THE AUTHORIZED AGENT OF EXETER BOROUGH WILL RESULT IN THAT INDIVIDUAL BEING HELD IN VIOLATION OF THE EXETER BOROUGH ORDINANCE. THESE INDIVIDUALS WILL BE SUBJECT TO ALL NECESSARY COLLECTION METHODS INCLUDING BUT NOT LIMITED TO REPORTS TO COLLECTION AGENCIES AND REPORTS ON CREDIT REPORTING. ADDITIONALLY, THE INDIVIDUALS WILL BE SUBJECT TO PAY A FINE OF THREE HUNDRED (\$300.00) DOLLARS PER DAY FOR FAILURE TO COMPLY WITH THE ENFORCEMENT OF THESE REGISTRATION REQUIREMENTS.

SECTION 13.

ALL REGISTRATION REQUIREMENT INFORMATION SHALL BE GIVEN TO THE AUTHORIZED AGENT OF EXETER BOROUGH COUNCIL. THE INFORMATION GIVEN TO ANY OTHER INDIVIDUAL IS NOT ACCEPTABLE AND IS NOT IN COMPLIANCE WITH THE ENFORCEMENT OF THIS ORDINANCE.

Т	HIS ORDINANCE	SHALL TAKE EFI	FECT Octob	er 3, 2006.	
0	RDAINED AND EN	ACTED INTO LAV	w THIS 3	DAY OF Octobe	<u>い</u> ,
2006.					
₩ ⁽¹⁾ . — (4)					
ATTEST			EXETER BOR	OUGH COUNCIL	
L e	la Serbin TH SECRETARY		PRESIDENT	OF COUNCIL	
APPROV	ED THIS 3	DAY OF Octo-	ber_, 2	006	
MAYOD	Jos. Voy 39				

EXETER BOROUGH ORDINANCE NO. 2 of 2007

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, IMPOSING A REQUIREMENT ON COMMERCIAL ENTITIES WITHIN THE BOROUGH LIMITS TO PURCHASE A COMMERCIAL RECYCLING STICKER FROM THE BOROUGH OF EXETER.

WHEREAS, AN ORDINANCE ADOPTED, IMPOSING THE COLLECTION OF A FEE FOR A COMMERCIAL RECYCLING STICKER FROM COMMERCIAL ENTITIES WITHIN THE BOUNDARY OF EXETER BOROUGH AND PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES FOR COMMERCIAL RECYCLING STICKERS AND SERVICE; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF IMPOSING SAID FEE ON ALL COMMERCIAL ENTITIES WHO UTILIZE EXETER BOROUGH RECYCLING IN ANY ASPECT;

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

A. ANY NON-RESIDENTIAL ENTITY WITHIN THE BOROUGH OF EXETER SHALL BE CONSIDERED A COMMERCIAL ENTITY FOR PURPOSES OF THIS ORDINANCE. ANY NON-RESIDENTIAL ENTITY IS REQUIRED TO PURCHASE A COMMERCIAL RECYCLING STICKER IF SAID ENTITY UTILIZES THE EXETER BOROUGH RECYCLING PROGRAM IN ANY MANNER.

SECTION 2. - DEFINITIONS

A. UTILIZE SHALL BE DEFINED AS:

USE IN ANY WAY; GET ASSISTANCE FROM OR AID FROM IN ANY MANNER IN THE COLLECTION, DISTRIBUTION, DESTRUCTION, SEPARATION, HAULING, NOTIFICATION, SHREDDING, AND/OR PLACEMENT OF CONTAINERS AND MATERIALS FOR COLLECTION OF RECYCLING.

B. COMMERCIAL ENTITY SHALL BE DEFINED AS:

ANY NON-RESIDENTIAL ENTITY INCLUDING BUT NOT LIMITED TO NOT FOR PROFITS.

C. EXETER BOROUGH RECYCLING SHALL BE DEFINED AS:

ANY AND ALL WORK DONE BY EXETER BOROUGH OFFICIALS AND/OR EMPLOYEES AND AGENTS OF EXETER BOROUGH IN THE COLLECTION, DISTRIBUTION, NOTIFICATION, SEPARATION OF, DESTRUCTION OF, AND/OR HAULING OF, RECYCLING MATERIALS.

SECTION 3.

- A. A FEE FOR THE COMMERCIAL RECYCLING STICKER SHALL BE ONE HUNDRED TEN (\$ /20.00) DOLLARS.
- B. THIS ANNUAL FEE OF ONE HUNDRED TEN (\$30.00) DOLLARS SHALL BE PAID ON OR BEFORE MARCH 31ST OF EACH CALENDAR YEAR, EXCEPT HOWEVER THAT IF A STRUCTURE IS FIRST USED FOR NON-RESIDENTIAL PURPOSES ON OR AFTER FEBRUARY 1ST OF ANY CALENDAR YEAR, THEN SAID FEE SHALL BE DUE AND PAYABLE WITHIN THIRTY (30) DAYS OF THE DATE THAT NON-RESIDENTIAL USE IS FIRST ESTABLISHED. IF NON-RESIDENTIAL USE IS FIRST ESTABLISHED ON OR AFTER JULY 1ST OF ANY CALENDAR YEAR THEN ONLY ONE-HALF (1/2) OF THE FEE SHALL BE SET FORTH TO BE REQUIRED FOR THAT CALENDAR YEAR.
- C. IF THE FEE FOR THE COMMERCIAL RECYCLING STICKER IS NOT PAID ON OR BY MARCH $31^{\rm ST}$ OF EACH CALENDAR YEAR, A **NINETY** (\$90.00) DOLLAR PENALTY WILL BE ADDED TO THE PRICE OF THE COMMERCIAL RECYCLING STICKER. IN ADDITION, ANY ONE NOT PAYING THE COMMERCIAL RECYCLING STICKER FEE BY THE PENALTY DATE OR NOT PAYING ANY PENALTY DUE WILL BEAR THE BURDEN OF ALL RECYCLING COSTS, PENALTIES AND/OR INTEREST.

SECTION 4. - MIXED USE CLARIFICATION

A. IF SAID ENTITY IS BOTH USED FOR RESIDENTIAL AND NON-RESIDENTIAL PURPOSES, THEN THE OWNER OF SAID PROPERTY SHALL SUBMIT IN WRITING TO THE BOROUGH ON OR BY MARCH 31ST OF EACH CALENDAR YEAR NOTIFICATION THAT SAID ENTITY IS USED FOR BOTH RESIDENTIAL AND NON-RESIDENTIAL PURPOSES. EXETER BOROUGH OFFICIALS WILL RECEIVE AND REVIEW SAID NOTIFICATIONS AND BASED UPON SAID NOTIFICATIONS EXETER BOROUGH OFFICIALS WILL MAKE THE PROPER RECOMMENDATIONS AS TO WHETHER OR NOT THE SAID ENTITY HAS MET ITS COMMERCIAL RECYCLING FEE BURDEN THROUGH THE NORMAL RESIDENTIAL GARBAGE COLLECTION STICKER FEE. IT ONLY THESE ENTITIES WHICH WILL BE EXEMPT FROM PURCHASING SEPARATE COMMERCIAL RECYCLING STICKERS.

B. THERE IS NO EXEMPTION IN THIS ORDINANCE FOR SCHOOLS, CHURCHES, OR OTHER NOT FOR PROFIT ENTITIES.

SHOULD ANY PORTION WHATSOEVER OF THIS ORDINANCE BE HELD INVALID OR UNENFORCEABLE FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED SEVERABLE, BUT ONLY TO THE EXTENT OF SUCH HOLDING AND SUCH HOLDING SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE.

ALL ORDNANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH BE THE SAME ARE HEREBY REPEALED.

ordained and enacted into law this the day of Labracy 2007.

ATTEST:

BOROUGH SECRETARY

EXETER BOROUGH COUNCIL

PRESIDENT OF COUNCIL

APPROVED THIS 6 DAY OF February , 2007.

MAYOR

BOROUGH OF EXETER LUZERNE COUNTY, PENNSYLVANIA

ORDINANCE NO. 3 OF 2008

AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING THE USE OF TRASH DUMPSTERS WITHIN THE BOROUGH OF EXETER, EXCEPTIONS TO THE REGULATIONS, THE REQUIREMENT OF A DUMPSTER PERMIT. AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

SHORT TITLE: DUMPSTERS ON STREETS, DRIVEWAYS, PUBLIC RIGHT OF WAY
WHEREAS, The Council of the Borough of Exeter, has determined that trash
Dumpsters used primarily to receive construction debris and which are placed
On Borough streets, alleys, driveways, Public right of way and State Highways
Cause damage to the roadways if not properly placed and constitute a hazard to
Vehicular traffic if not equipped with reflectors and/or flashing lights.
BE IT ENACTED AND ORDAINED, by the Council of the Borough of
Exeter, Luzerne County, Pennsylvania, and it is hereby enacted and ordained
By Authority of the same, as follows:

As used in this Ordinance, the following terms shall have the meanings Indicated, unless a different meaning clearly appears from the context: DUMPSTER: a metal storage receptacle used to temporarily store debris or garbage and which is then emptied of its contents or removed with its contents to a dump site. Amended 3-5-03 meluse PODS & PERSON- any natural person, association, partnership, contractor, subcontractor, firm or corporation

SECTION II

PERMIT REQUIRED

FEEES

- 1. No persons shall place a dumpster within the Borough of Exeter without first obtaining from the Borough Zoning Office an application for a permit and paying the permit fee established Before the permit is issued and dumpster is placed. A review of the location by the Police may be required. The initial fee will be \$40.00 per dumpster and may be increased from time to time by resolution of the Exeter Borough Council, which shall be for the use of the Borough. The permit will be approved or rejected within five (5) working days of application.
- 2. The permit shall be of a three (3) month duration. If the applicant requires additional time, a second permit fee of \$40.00 can be obtained for an additional three (3) months. Additional extensions for three (3) month periods may be granted after approval by the Police, and Zoning with an additional fee of \$40.00 per three (3) month period.

SECTION III

REQUIREMENTS FOR DUMPSTERS PLACED UPON STREETS

- 1. The following requirements shall apply to any dumpsters place upon Streets, Driveways or Highways in the Borough of Exeter.
 - A. Reflectors shall be placed upon all four (4) sides of the dumpster, each side containing a minimum of four (4) reflectors making the dumpster visible at night.
 - B. Each of the dumpsters rollers or wheels (if any) will be placed upon a wood pad at least ¾ inch in thickness so as not to damage the road surfaces or right of way. Dumpsters cannot be dragged so as to damage road surfaces. Persons as defined in this Ordinance who damage Borough roads, streets, driveways, right of ways shall be liable for the cost of the said properties. Persons as described in Article I of this ordinance must show proof of liability insurance at the time of filing for the dumpster permit.
 - C. Dumpsters shall have the company name and the telephone number of the owner clearly printed on each side of the dumpster.

PENALTIES

1. Any person as defined in this ordinance who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600.00 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

2. Each day that a violation of this Ordinance continues, shall constitute a separate offense.

SECTION IV

This ordinance may be amended by resolution of the Borough Council from time to time as necessary.

DULY ENACTED AND ORDAINED this 5th day of February, 2008

By the Borough Council of the Borough of Exeter, Luzerne County.

Pennsylvania, in lawful session duly assembled.

CHAIRMAN

ATTEST:

BOROUGH SECRETARY

APPROVED THIS 5TH DAY OF FEBRUARY, 2008

MAYOR

SECTION 1 OF THE EXETER BOROUGH DUMPSTER ORDINANCE	3	DTD 2008
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IS AMENDED TO READ: DUMPSTER: A METAL STORAGE RECEPTACLE USED TO TEMPORARILY STORE DEBRIS OR GARBAGE AND WHICH IS THEN EMPTIED OF IT'S CONTENTS OR REMOVED WITH IT'S CONTENTS TO A DUMP SITE. FOR PURPOSES OF THIS ORDINANCE, CONTAINERS KNOWN AS PODS OR OTHER SIMILAR TYPES OF CONTAINERS USED FOR STORAGEOF GOODS IS INCLUDED.

Amended - 8-5-08

ordinance no. $\frac{7}{}$ of 2010

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AMENDING AN ORDINANCE IMPOSING THE COLLECTION OF FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE OWNERS WHO OWN REAL PROPERTY WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES PURSUANT TO CHAPTER 66, SECTION 66-16.

WHEREAS, AN ORDINANCE ADOPTED, IMPOSING COLLECTION OF FEES FOR GARBAGE, RUBBISH, AND REFUSE ON THE REAL PROPERTY OWNERS IN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES FOR GARBAGE, RUBBISH, AND REFUSE SERVICE; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF AMENDING THE AGE FOR SENIOR CITIZENS OF THE BOROUGH OF EXETER FOR COLLECTION OF FEES FOR GARBAGE, RUBBISH AND REFUSE;

NOW THEREFORE.

SECTION 1.

The price for garbage stickers in the Borough of Exeter shall remain at a cost \$150.00 if purchased by February 28, 2011 and \$180.00 if purchased by March 31, 2011.

The price for garbage stickers in the Borough of Exeter for senior citizens, age 65 before March 31, 2011, shall be amended to cost \$110.00 if purchased by February 28, 2011 and \$130.00 if purchased by March 31, 2011.

SECTION 2.

The language of Chapter 66, Section 66-16, Sub-section C shall read:

If the fee for garbage collection stickers is not paid on or by March 31 for each calendar year a \$90.00 penalty will be added to the price of the garbage collection fee. In addition, any one not paying the fee by the penalty date or not paying any penalty due shall bear the cost to the Borough of collecting the fee, penalty and interest. SHOULD ANY PORTION WHATSOEVER OF THIS ORDINANCE BE HELD INVALID OR UNENFORCEABLE FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED SEVERABLE, BUT NOT ONLY TO THE EXTENT OF SUCH HOLDING AND SUCH HOLDING SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE.

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH BE THE SAME ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT (2011.

ORDAINED AND ENACTED INTO LAW THIS 17 DAY OF December,

ATTEST:

COPOLICII GRAPITA PI

PRESIDENT OF COUNCIL

APPROVED THIS 17 DAY OF DECEMBER, 2010

MAYOR

GOODS TRANSFERRED

Chapter 68 GOODS TRANSFERRED

- 68-1. Need for permit.
- 68-2. Application for permit.
- 68-3. Issuance.

68-4. Violations and penalties.

68-1. Need for permit.

No persons or person, firm or corporation, shall move, or cause to be moved, from any place outside the Borough of Exeter to a place within the Borough, or form any place within the Borough of Exeter to another place therein, or to a place beyond the limits thereof, any household goods in bulk, without first securing from the Chief of Police of the Borough of Exeter a permit or such moving or transportation.

68-2. Application for permit.

Any persons or person, firm or corporation, desiring such a permit for the removal or transportation of household goods in the manner above described, shall make application to the Chief of Police of the Borough of Exeter setting forth the names of the owners or reputed owners of the property to be moved, the address and location from which the property is to be removed, and the new address or location of the place to which the property is to be moved.

68-3. Issuance.

The Chief of Police of the Borough of Exeter shall upon application being made as provided for in Section 68-2 of this Chapter, issue a permit for which a charge of twenty-five (\$.25) Cents will be made, setting forth the name of the permittee as well as the name or names of the owners of the goods to be moved and the address from which the goods are to be moved and the address to which the goods are to be delivered.

68-4. Violations and penalties.

Any persons or person violating the provisions of this Chapter or furnishing false information to the Chief of Police of the Borough, or using false names or addresses, shall upon conviction

GOODS TRANSFERRED

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HAZARDOUS MATERIALS

Chapter 69 HAZARDOUS MATERIALS

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- 69-1. Definitions.
- 69-2. Administration.
- 69-3. Litigation.
- 69-4. Emergency services.

69-1. Definitions.

EXTRAORDINARY EXPENSES - shall be those expenses, and those related costs and fees that are incurred by the Borough, local, state or federal department or agency, emergency services organization and from the private sector for actual costs or charges for labor, materials, and any other costs associated with the use of specialized extinguishing or abatement agent, chemical neutralizer or similar equipment or material that is employed to monitor, extinguish, confine, neutralize, contain, clean, or remove any hazardous material that is or may be involved in a fire, or release into the air, ground or water or the potential threat of any release or fire, and any and all activities associated with the implementation of a protective action (i.e. evacuation) to protect the public health, safety and welfare.

EXTRAORDINARY SERVICE - is a service performed by any Borough departments or employees, or any public or private sector organization, agency or company directly associated with mitigating the hazard or potential hazard or involved in providing services to implement a protective "Extraordinary services" may include, but are not limited to, the abatement and disposition of hazardous materials, spills, releases, or the threat of spills or releases of hazardous materials, utility line breaks or leakages, and other imminent or perceived or potential threats to the health, safety and welfare of the public that may be detailed or contemplated in extraordinary expenses.

69-2. Administration.

The Treasurer of the Borough shall collect all fees as follows:

 A. Fees and costs (including overhead costs) shall encompass the costs of all personnel, equipment, materials and maintenance expenses in such a form as to insure the full

HAZARDOUS MATERIALS

reimbursement for charges from both the public and private sectors actually rendered.

A particular cost or fee schedule need not be set forth in this provision or elsewhere in the Borough ordinance or by further formal action by the Borough Council. The Borough Council's approval of this provision shall constitute authorization for the Treasurer to collect all such fees and costs (including overhead costs) pursuant to the receipt of related expenditures or costs that are submitted to the Borough by affected public and private bureaus, agencies, departments or companies.

- Within thirty (30) days of the date of the extraordinary В. or dangerous occurrence giving rise to the extraordinary service, the affected public agencies, departments or private companies shall submit their extraordinary service related costs, fees, charges and expenses to the Borough At such time as all costs, fees, Council for review. charges and expenses related to the extraordinary service have been collected and reviewed, but in any case not later than sixty (60) days from the date of determining the combined cost of rendering extraordinary services, the Borough Council shall submit a bill for all costs, fees, charges and expenses, to the owner, agent or manager of the vehicle or fixed facility which caused the need for services, with a demand that a full extraordinary remittance be made within thirty (30) days of receipt.
- C. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Borough within the thirty (30) day period, the Borough Council shall hereby authorize the Borough Solicitor to enter into negotiations with the owner or his agent for an extended payback period of time not to exceed six (6) months.
- D. All monies received under the provisions of this article shall be placed into the General Fund and reimbursement be made to all public and private sector departments, agencies who had submitted related costs, fees, charges and expenses for providing an extraordinary service as outlined herein.

69-3. Litigation.

 The Borough may enforce the provisions of this Chapter by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus attorneys fees or for any other relief that may be appropriate.

HAZARDOUS MATERIALS

69-4. Emergency services.

Nothing in this article shall authorize any Borough bureau, department, or personnel or staff members to refuse or delay an emergency service to any person, firm, organization or corporation, that has not reimbursed the Borough for extraordinary services. Furthermore, nothing in this section shall be construed to demand reimbursement, to the Borough for those municipal services that are normally provided to Borough residents and others as a matter of the Borough's general operating procedure, and for which the levying of taxes, or the demand for reimbursement is normally made.

HOUSING STANDARDS

Chapter 70 HOUSING STANDARDS

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Adoption of Property Maintenance Code. 70-1.

Additions, insertions, and changes. 70-2.

GENERAL REFERENCES

Brush, Grass and Weeds - See Ch. 29 Building Construction - See Ch. 33 Maintenance of Private Property - See Ch. 34 Fire Prevention - See Ch. 59 Garbage, Rubbish and Refuse - See Ch. 66 Plumbing - See Ch. 100 Sewers - See Ch. 115

Adoption of Property Maintenance Code. 70-1.

A certain document, three (3) copies of which are on file in the Office of the Secretary of the Borough of Exeter, being marked and designated as the "BOCA National Property Maintenance Code, 3rd Edition, 1990," as published by the Building Officials and Code Administrators International, Inc. is hereby adopted as the Housing Code of the Borough of Exeter, Luzerne County, Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations of the BOCA Basic Housing Code, 1970 Edition, are hereby referred to, adopted and additions, insertions, deletions and changes, if any, prescribed in Section 70-3 of this Chapter.

70-2. Additions, insertions and changes.

The BOCA National Property Maintenance Code is amended and revised in the following respect:

- (page 7) shall be deleted and Α. Section PM-109.2 following inserted:
 - (1) Any person, firm or corporation who shall violate any provision of this Code, upon conviction thereof, be subject to a fine of not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars or imprisonment for a term not to exceed ten (10) days or both, at the discretion of Each day that a violation continues the Court.

HOUSING STANDARDS

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49 50 after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed as a separate offense.

- B. Section PM-302.12 (page 17) shall be deleted and the following inserted:
 - Insect screens: During the period from the 1st day (1) of May to the 1st day of October every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, service areas, or any areas where products used in processed. for human consumption are food manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.
- C. Section PM-601.1 (page 27) shall be deleted and the following inserted:
 - (1) Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) at a level of 3 feet (914 mm) above the floor and a distance of 3 feet (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from the 1st day of October to the 1st day of June to maintain a room temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) the from exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall

HOUSING STANDARDS

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not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

- D. Section PM-601.2 (page 27) shall be deleted and the following inserted:
 - (1) Every enclosed occupied work space shall be supplied with sufficient heat during the period from the 1st day of October to the 1st day of June to maintain a temperature or not less than 65 degrees F. (18 degrees C.) during all working hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

LICENSED OCCUPATIONS

1 2 3		Chapter 79 LICENSED OCCUPATIONS
4 5	79-1.	Storage of junk.
6 7	79-2.	Collection of junk.
8 9	79-3.	Operation of buses.
10 11 12	79-4.	Vehicles hauling certain materials.
13 14	79-5.	Unnecessary noise.
15 16	79-6.	Manufacture or storage of flammable products; fees.
17 18	79-7.	Maintenance of flea markets.
19 20	79-8.	Effect of license.
21 22	79-9.	Duration of license; transfer.
23 24	79-10.	Revocation of license.
25 26	79-11.	Appeals.
27 28	79-12.	Collection of unpaid fees.
29 30	79-13.	Violations and penalties.
31 32 33		GENERAL REFERENCES
34 35 36 37		nts - See Ch. 23 g and Soliciting - See Ch. 97
38 39	79-1.	Storage of junk.
10 11 12 13	Exeter wany kind	ry person owning, leasing, renting or occupying premises in where rags, bones, rubble, scrap iron, wastepaper or junk of is stored shall pay an annual license fee of three hundred o) dollars.
15 16	79-2.	Collection of junk.
17 18 19	scrap in	ry person engaged in the collection of rags, bones, rubble, ron, wastepaper or junk of any kind in Exeter shall pay an license fee of ten (\$10.00) dollars, provided that this shall not apply where said collection is for charitable

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LICENSED OCCUPATIONS

purposes.

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Operation of buses. 79-3.

- The owner of an automobile bus or buses used for passengers for hire shall pay an annual license fee as follows:
 - For a capacity of five (5) or fewer passengers, five (1)(\$5.00) dollars.
 - For more than five (5) and not exceeding ten (10) (2) passengers, ten (\$10.00) dollars.
 - For more than ten (10) and not exceeding fifteen (3) (15) passengers, twenty (\$20.00) dollars.
 - For more than fifteen (15) passengers, thirty (4)(\$30.00) dollars.

Vehicles hauling certain materials. 79-4.

No person shall use upon the public highways of the Borough any wagon or other vehicle for carrying coal, ashes, sand, gravel or other loose materials unless such wagon or vehicle shall be provided with a tight box or receptacle so as to prevent dripping of moisture or dropping of ashes, sand, gravel or other loose materials along the highway.

79-5. Unnecessary noise.

It shall be unlawful for any person, directly or indirectly, to maintain or operate in the Borough any radio, mechanical instrument, loudspeaker or other devices of any kind whatsoever whereby the sound therefrom is cast upon the highways, or to ring any handbell, beat or strike any pan or pail, sound any gong, blow any whistle or horn or mechanically amplify the human voice by loudspeaker or megaphones to promote the sale of goods, wares or merchandise; provided, however, that this Section shall not apply to the electrical amplification of clock chimes.

79-6. Manufacture or storage of flammable products; fees.

Everyone engaged in the business of manufacturing, storing or keeping benzine, naphths, gasoline, benzol and other petroleum or coal tar products or other flammable articles or articles containing the same shall, before having, using, storing or keeping said products or articles within the limits of Exeter, first file notice for intention to so have, use, store and keep such products or articles with the Secretary of the Borough at least ten (10) days before

LICENSED OCCUPATIONS

 having, using, storing and keeping such products or articles.

- B. Immediately upon such notice being filed with the Secretary, the Chief of the Fire Department shall make an examination to determine whether or not said having, using, storing and keeping of such products or articles is proposed to be done in a manner non-dangerous and noninjurious to the safety and well-being of the property and personal rights of the citizens of said Borough. In order to enable said Chief of the Fire Department to properly undertake such examination, he is hereby empowered to secure the services of any person or organization qualified in protection and safety methods.
- If after such examination the Chief of the Fire Department c. shall determine that the manner and methods of having, using, storing and keeping such products and articles in conformity with the best practice for the safeguarding of the property and personal rights of the citizens of the Borough, then, upon notice of the same to the Secretary of the Borough, the said Secretary of the Borough is hereby empowered and authorized to issue a license for such having, using, storing and keeping said products articles shall be deemed dangerous and injurious to the property and personal rights of the citizens of the Borough, then, upon notice of the same, the Secretary is hereby empowered to refuse to issue said license and to continue to refuse to issue said license until the method and manner of having, using, storing and keeping said products and articles shall be shown to be non-dangerous and noninjurious.
- D. Everyone having, using, storing and keeping said products and articles shall pay a license fee as follows:
 - (1) For each tank or container having a capacity of less than twenty-five thousand (25,000) gallons, twenty-five (\$25.00) dollars.
 - (2) For each tank or container having a capacity of twenty-five thousand (25,000) gallons or more, fifty (\$50.00) dollars.
- E. The purpose and intent of this Section is to regulate the having, using, storing and keeping of said products or articles, and the purpose and intent of the enactment of this license fee is to cover the costs of such regulation.

LICENSED OCCUPATIONS

79-7. Maintenance of flea markets.

- A. Any person, firm or corporation desiring to operate the business commonly known as a "flea market" shall first obtain from the Chief Of Police a license for such business and shall pay therefore a fee of Two hundred (\$200.00) dollars for each and every month during which said business is operated.
- B. The fees established herein shall be paid for each and every calendar month during which the flea market is operated, regardless of the number of days that said flea market is operated during said calendar month.

79-8. Effect of license.

No license issued in accordance with this Chapter shall authorize or excuse any breach of law or any trespass upon the rights of others or render the Borough liable for damage that may be committed or caused under color thereof.

79-9. Duration of license; transfer.

- A. No license issued hereunder shall be issued for a period longer than one (1) year, and all licenses for trades and occupations shall terminate on the first day of July next succeeding their date.
- B. No license hereunder shall be transferred to a different person or place except by special resolution passed by the Council of the Borough.

79-10. Revocation of license.

The Chief of Police may at any time revoke any license issued under this Chapter for any breach of the terms thereof, upon giving notice to the licensee of such revocation and making a record thereof; and from the time of such notice given, any act done under color of such license or licenses shall subject the person doing it or suffering it to be done to the same penalty as if he had done such act without such license, unless revocation of such license is disapproved as hereinafter provided.

79-11. Appeals.

Anyone who shall feel aggrieved by the neglect or refusal of the Chief of Police to issue any license or by the terms or by any revocation of any such license aforesaid may, upon giving notice to the Chief of Police within one (1) week thereafter, appeal to the Borough Council; until the terms, conditions or revocation are

LICENSED OCCUPATIONS

disapproved by the Council, they shall be binding upon the applicant, and the Council may order modification as it may deem proper, not, however, inconsistent with Borough ordinances.

79-12. Collection of unpaid fees.

Upon the failure of anyone to pay a license fee within ten (10) days after the same shall become due, the Chief of Police is directed to bring action before a District Magistrate for the collection of any unpaid fee.

79-13. Violations and penalties.

Any person violating any of the provisions of this Chapter including the failure to pay any fee required by this Chapter shall, upon conviction thereof, be punishable by a fine of not less than twenty-five (\$25.00) dollars and not more than three hundred (\$300.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, by imprisonment in the County jail for a term of not more than ninety (90) days, and each day that a violation continues shall be deemed to constitute a separate offense.

LITTERING

Chapter 82 LITTERING

1 2	Chapter 82 LITTERING
3	
4 5 82-1 6	. Definitions.
7 82-2 8	. Littering public or private property.
	. Use of collection receptacles.
	. Litter from vehicles.
	. Litter on or from private property.
15 82-6 16	. Violations and penalties.
17 18 19	GENERAL REFERENCES
20 Brus 21 Garb 22	h, Grass and Weeds - See Ch. 29 age, Rubbish and Refuse - See Ch. 66
23 24 82-1 25	. Definitions. arrended 11-3603
26 27 phra	For the purposes of this Chapter, the following words and ses shall have the meaning ascribed to them as follows:
30 31	LITTERING - Any item of unworded or carelessly discarded material, including but not limited to refuse, garbage, rubbish, trash, loose handbills, advertisements or other substance.
34 35	PERSON - Any person or persons, partnership, association, company, firm or corporation.
36 37 82-2 38	. Littering public or private property. Omended 11-3003
39 40 depo	No person shall throw or in any manner deposit or suffer to be sited any litter in or upon any street, sidewalk, park, body of r or other public or private property with the Borough.
43 82-3	. Use of collection receptacles.
45 46 rece 47 from	Persons depositing litter in public or private collection ptacles shall do so in a manner so as to prevent such litter being carried by the elements onto any street, sidewalk or public or private property.

		LITTERING
1	82-4.	Litter from vehicles.
2		
3	A.	No person while in a vehicle shall throw or deposit or
4		suffer to be deposited any litter upon any public or
5		private property within the Borough.
6		
7	В.	
8		constructed as to prevent the escape of such materials onto
9		any public or private property.
10		
11	С.	No vehicle shall be driven onto a public street while the
12		tires thereof are likely to deposit mud or other foreign
13		substances upon the street surface.
14	_	
15	82-5.	Litter on or from private property.
16	_	ar while in a making whole throw on deposit on
17	Α.	
18		suffer to be deposited any litter from private premises
19		onto any public property.
20	D	No person shall deposit any materials on any private
21	В.	property in such a manner as to allow or cause litter
22		therefrom to be carried onto any other private or public
23		property.
24		propercy.
25 26	C	All owners of private property are required to keep their
26	С.	
27		property free of litter.
28	00-6	Violations and penalties.
29	82-6.	AIGITATIONS AND DEMOTATES.

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39 40 Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred (\$300.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, by imprisonment in the County jail for a term of not more than ninety (90) days.

B. Each day that such violation exists shall be considered to be a separate violation.

ORDINANCE

AMENDING CHAPTER 82 PARAGRAPHS 82-1 AND 82-2, LITTERING

IT IS HEREBY ORDAINED that Exeter Borough Official Ordinance Book at Chapter 82, Littering is hereby amended as follows.

- 82-1. Definitions: Littering shall include yard waste.
- 82-2 Definitions: Littering public or private property shall include streams or other bodies of water.

All other provisions of the of Chapter 82 Littering shall remain in full force and effect.

THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE.

MEMBERS PRESENT: 5

MEMBERS VOTING YES: 5

MEMBERS VOTING NO: 0

ORDAINED AND ENACTED INTO LAW THIS /

Day of November

2003.

RICHARD MURAWSKI PRESIDENT OF COUNCIL

ATTEST:

DEBRA SERBIN, Borough Secretary

I, Joseph Coyne, Mayor, hereby approve/yeto this Ordinance.

JOSEPH COYNE, MAYOR

OBSCENITIES

Chapter 91 OBSCENITIES

- 91-1. General prohibitions.
- 91-2. Exhibitions visible from public highways.
- 91-3. Exhibitions visible from public or private property.
- 11 91-4. Aiding or abetting.
 - 91-5. Permitting use of premises for exhibition.
 - 91-6. Advertisements of presentations.
 - 91-7. Elements required for offense.
 - 91-8. Definitions.

91-1. General prohibitions.

 Any person who, with knowledge of the character and content, either sells, gives away, lends, distributes, exhibits, shows or transmutes, or offers either to sell, give away, lend, distribute, exhibit, show or transmute, or has in his possession with intent either to sell, give away, lend, distribute, exhibit, show or transmute to another, or who otherwise knowingly offers for gift, sale or distribution any obscene picture film, show or other presentation, which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representation of such character, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars or undergo imprisonment for a period not exceeding ninety (90) days, or both.

91-2. Exhibitions visible from public highways.

 No person shall knowingly exhibit upon any private property or at or near any public street or highway or in any other place within the view of adults or minors passing on any public street or highway, any obscene motion picture film, show or other presentation which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character; and any person doing so shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars, or undergo imprisonment for a period not exceeding ninety (90) days, or both.

OBSCENITIES

91-3. Exhibitions visible from public or private property.

No person may, with knowledge of the character or content, exhibit, show or protect a motion picture film, show or other presentation, which in whole or in part depicts nudity, sexual conduct, or sadomasochistic abuse, so that it may be viewed by minors or any other persons from public property or private property not under the control of the person exhibiting, showing or projecting such motion picture film, show or other presentation.

91-4. Aiding or abetting.

Whoever knowingly participates in, supports or in any way aids in the exhibition, showing or projection of an obscene motion picture film or other type motion picture film in violation of this Act, whether the same shall be a ticket seller, usher, manager, projectionist or other such employee, agent, servant or workman, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars or undergo imprisonment of a period not exceeding ninety (90) days, or both.

91-5. Permitting use of premises for exhibition.

Whoever being the owner of any premises or having control thereof, knowingly permits within or on said premises the exhibition, projection or showing of any motion picture film, show or presentation in violation of this Act, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars or undergo imprisonment for a period not exceeding ninety (90) days, or both.

91-6. Advertisements of presentations.

Whoever knowingly advertises or accepts for advertisement any motion picture film, show or other presentation, the exhibition, showing or projection of which would be in violation of this Chapter, shall be guilty of a summary offense; and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars or undergo imprisonment for a period not exceeding ninety (90) days, or both.

91-7. Elements required for offense.

For the purposes of this Chapter, all three of the following elements are required to establish obscenity:

A. The average person applying contemporary community standards must find that the work taken as a whole appeals to the prurient interest.

OBSCENITIES

в.	That the film must depict or describe patently offensive
	representations or descriptions of sexual conduct such as
	ultimate sexual acts, normal or perverted, actual or
	simulated, real or animated, and/or patently offensive
	representations or descriptions of masturbation, excretory
	functions, and/or lewd exhibition of the genitals;
	descriptions or representations of acts of fellatio,
	cunnilingus, whether the same involves persons real or
	animated, animals or combinations of individuals real,
	animated and/or animals.

C. That the work taken as a whole lacks serious literary, artistic, political or scientific value.

91-8. Definitions.

As used in Section 91-3 of this Chapter:

NUDITY - The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of a female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.

SEXUAL CONDUCT - In addition to the examples hereinbefore set forth, acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breasts.

SADOMASOCHISTIC ABUSE - Flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

ORDINANCE

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING SEX OFFENDER RESIDENCY RESTRICTIONS AND PENALTIES FOR VIOLATIONS

WHEREAS, the Pennsylvania State Legislature adopted requirement6s for the registration of sexual offenders (commonly known as Megan's Law II), and is set forth at 42 Pa.C.S.A., beginning at Section 9791;

convicted of various offenses, and persons adjudicated a sexually violent predator, must register with the Pennsylvania State Police for periods not less that ten (10) years, which registration procedure is set forth in the Statute;

WHEREAS, Megan's Law II does not contain any restrictions with respect to where persons convicted of the crimes subject to registration or persons adjudicated sexually violent offenders may reside;

WHEREAS, the Council of the Borough of Exeter finds that the danger of recidivism posed by persons convicted to the crimes identified in Megan's Law II and persons adjudicated as sexually violent predators is of paramount concern to the Borough of Exeter;

WHEREAS, the Council of the Borough of Exeter finds that persons who have committed the violations referenced in Megan's Law II, or who have been adjudicated as sexually violent predators, have a reduced expectation of privacy and furthermore, that residency restrictions for such persons provide additional protection for children and places where children congregate; and

NOW, THEREFORE, be it hereby ENACTED and ORDAINED as follows:

DEFINITIONS:

- A. CHILD CARE FACILITY. A licensed day care center, child care facility or any other child care service facility exempt from licensing pursuant to the laws of the Commonwealth of Pentisylvania.
- B. <u>COMMON OPEN SPACE</u>. The area of land and/or water restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for residents of the Borough of Exeter, which said Open

Space is regulated, maintained and/or owned by the Borough of Exeter.

- C. <u>COMMUNITY CENTER</u>. A building and related facility used for educational, social, cultural, or recreational activities.
- D. <u>PERMANENT RESIDENCE</u>. A place where a person lives, abides, lodges, or resides for fourteen (14) or more consecutive days.
- facility, playground or park, owned or operated by the Borough of Exeter or any other governmental agency, including, but not limited to, Wyoming Area School District, the County of Luzerne or the Commonwealth of Pennsylvania.
- F. <u>SCHOOL</u>. Shall mean any public or private which provides education services to a minor.
- G. <u>SEX OFFENDER</u>. Shall mean any person, over the age of eighteen (18) years, who has been convicted against a minor identified in Section 9795.1 which includes, but not limited to, kidnapping, luring a child into a motor vehicle, institutional sexual assault, indecent assault, incest, prostitution, receiving sexual materials, sexual abuse of children, unlawful contact with minors, sexual exploitation of children, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and individuals convicted of any attempt to commit any of the offenses enumerated herein.
- H. <u>TEMPORARY RESIDENCE</u>. A place where a person lives, abides, lodges, or resides for a period of less than fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.

2. RESIDENCY RESTRICTION/PROHIBITION:

- I. It shall be unlawful for any sex offender to establish a permanent or temporary residence within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facility.
- J. For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the sex offender to the nearest outer property line of a school, child care facility, common open space, community center, public park or recreational facility.

3. NOTICE TO MOVE:

Any sex offender who resides on a permanent or temporary basis within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facility shall, within forty-five (45) days of receipt of written notice of the sex offender's non-compliance with this Ordinance, shall move from said location, but said location may not be within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities. Furthermore, it shall be a violation each day that a sex offender shall move from one (1) location in the Borough of Exeter to another that is within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities.

4. **EXCEPTIONS**:

This Ordinance shall not apply to any person who established residence prior to the date of this Ordinance, and it shall not apply if the school, child care facility, common open space, community center, public park or recreational facilities within 1,500 feet of the sex offender's permanent residence. The provision of this Ordinance shall not be applicable to persons incarcerated in any facility owned, maintained and/or operated by the County of Luzerne, the Commonwealth of Pennsylvania or the United States.

5. PENALTIES:

Any person who violates the provisions of this Ordinance shall, upon conviction, before a District Judge, be sentenced to a term of imprisonment up to ninety (90) days and shall be fined not more than One Thousand (\$1,000.00) Dollars for each violation, plus the costs of prosecution and reasonable attorney's fees.

6. **ENFORCEMENT**:

This Ordinance will be fully enforced by local law enforcement. More specifically, the Exeter Borough Police Department will have jurisdiction to enforce this Ordinance with any and all other law enforcement agencies.

7. <u>INCLUSION IN CODE</u>:

It is the intent of the Council of the Borough of Exeter that the provisions of this Ordinance shall become and be made a part of the Code or Ordinances of Exeter Borough and the sections of the Ordinance may be renumerated or relettered and word "ordinance" may be changed to "section" or "article" or such other appropriate word or phrase in order to accomplish the intention of the Exeter Borough Council.

8. **SEVERABILITY**:

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision hereof shall be determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not impair or affect any remaining provision of the Ordinance, it being the intention of the Council of the Borough of Exeter that it would have adopted the Ordinance even if the offending language had not been included.

This Ordinance shall take effect immediately upon adoption.

	2 1
ORDAINED AND ENACTED OF EXETER, this day of	by the BOROUGH COUNCIL OF THE BOROUGH February: , 2007
ATTEST:	
DEBRA SERBIN SECRETARY/TREASURER	RICHARD MURAWSKI CHAIRMAN OF COUNCIL
APPROVED THIS 6 DAY OF	February, 2008 ss

MAYOR

CERTIFICATION

I, DEBRA SERBIN, Secretary of the Borough of EXETER, hereby certify that the
foregoing is a true and correct copy of a Ordinance duly adopted by the majority vote of
the Borough Council of the Borough of Exeter at a meeting duly held on the 6 day
of February, 200%, and that the minutes of said meeting show how each member
voted having being duly recorded in the official minutes of the Borough of Exeter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6 day of February, 2007 os

(Seal)

BOROUGH OF EXETER

1 2 3		Chapter 97 PEDDLING AND SOLICITING
4 5	97-1.	Definitions.
6 7 8 9	97-2.	License required for peddlers, solicitors and itinerant merchants.
10 11	97-3.	License required for transient retail merchants.
12 13	97-4.	Exemptions from license fee.
14	97-5.	Exemptions from licensing requirement.
15 16	97-6.	License fees.
17 18	97-7.	Application for license.
19 20	97-8.	Conduct of licensees.
21 22	97-9.	Prohibited hours; exceptions.
23 24	97-10.	Record of licenses; supervision of licensees.
25 26	97-11.	Revocation of license.
27 28	97-12.	Notice of revocation.
29 30	97-13.	Appeal of revocation.
31 32	97-14.	Violations and penalties.
33 34		
35		GENERAL REFERENCES
36 37	License	d Occupations - See Ch. 79
38		
39 40	97-1.	Definitions.
11		
12		used in this Chapter, the following terms shall have the
43 44	meaning	s indicated:
44 45		
46	ITI	NERANT MERCHANT - A person who travels from place to place
1 7	sel	ling goods in the streets or other places, including persons
48		offer or expose such goods for sale, whether or not from
19	pus	hcarts or other mechanically or automotively driven

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vehicles.

PEDDLER - A person who conveys or transports goods, wares or merchandise and offers or exposes the same for sale or makes sales thereof by going door to door or place to place, and includes the terms "hawker" and "huckster".

PERSON - Any natural person or persons, partnership, association, company, firm or corporation, or any agent or employee thereof.

SOLICITOR or CANVASSER - Any person who goes from door to door or place to place for the purpose of attempting to obtain donations or contributions in any form or to take orders from individuals for the sale, by cash, deferred payment or installment sales contracts or any like means, of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever, for present or future delivery, or for services to be performed at that time or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders or whether or not the consideration for the sale is an installment sales contract.

TRANSIENT RETAIL BUSINESS - Any retail business or enterprise which has no permanent place of business within the Borough and which uses premises not owned by the operator thereof and which is operated for six (6) months or less of each and every year, whether a storeroom, market stand or otherwise, for the sale of products, goods, wares or merchandise or to offer or expose the same for sale or for future delivery and sale.

97-2. License required for peddlers, solicitors and itinerant merchants.

Every person entering into or desiring to do business within the Borough of Exeter as a peddler, huckster, hawker, solicitor or itinerant merchant shall, before starting, obtain a license from the Mayor as herein provided.

97-3. License required for transient retail merchants.

Every person entering into or desiring to begin a transient retail business within the Borough of Exeter shall, before starting, obtain a license from the Chief of Police as herein provided.

97-4. Exemptions from license fee.

No person desiring to solicit contributions, gifts or pledges of money or any other thing of value, or to engage in the

dissemination of economic, political, cultural or religious information, in the Borough of Exeter, shall be required to pay a license fee, but may automatically engage in such activities upon registration with the Mayor, except that it shall be unlawful to distribute, with or without consideration, any books, booklets, circulars, pamphlets or other printed, mimeographed or typewritten material or any merchandise in such manner as to cause the streets, alleys or pavements of the Borough to become dirty or littered.

97-5. Exemptions from licensing requirement.

Nothing contained in this Chapter shall be construed to apply to:

A. Any person who sells, in or about the streets of the Borough of Exeter, vegetables or animal products raised on his or her own land.

B. Any person taking orders for merchandise by sample from dealers or merchants, for individuals or companies who pay a license or mercantile tax at their chief place of business.

C. The sale of goods, wares and merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

D. Any manufacturer or producer in the sale of bread and bakery products, meat and meat products or milk and milk products.

97-6. License fees.

No license shall be issued under this Chapter until the proper fee as follows shall be paid to the Mayor, which fee shall be for the use of the Borough:

A. For itinerant merchants, peddlers, solicitors or canvassers, ten (\$10.00) dollars per week or fractional part of a week or twenty-five (\$25.00) dollars per year.

B. For transient retail businesses, one hundred (\$100.00) dollars per month or fractional part of a month, and such license shall be renewed monthly during the continuance of the sale.

97-7. Application for license.

A. Every person required to obtain a license by virtue of this Chapter or required to register hereunder by virtue of

Section 97-4 of this Chapter shall make application to the Chief of Police on forms provided for that purpose at the Office of the Borough Secretary, and upon said application shall furnish the following information.

- (1) Name and description of the applicant, including aliases and age.
- (2) Address (legal and local).
- (3) A brief description of the nature of the business and the foods to be sold, and, in the case of products of farm or orchard, whether produced or grown by the applicant, and also the type or types of subscriptions or contributions which applicant wishes to solicit.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to engage in the licensed or registered activity is desired.
- (6) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- (7) A photograph of the applicant taken within the last year immediately prior to the date of the filing of the application, which picture shall be two by two (2 x 2) inches, showing the head and the shoulders of the applicant in a clear and distinguishable manner.
- (8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
- B. At the time of filing the application, a fee in the amount required as set forth in Section 97-6 of this Chapter shall be paid to the Chief of Police.

97-8. Conduct of licensees.

Every person to whom a license is issued hereunder shall comply with the following rules:

- A. He shall carry the license card while engaged in the licensed activity or activities incidental thereto and shall exhibit it to any police officer, borough official or citizen upon request.
- B. He shall not permit any other person to have possession of the license card, and if the license is lost, shall report the loss immediately to the Mayor or Chief of Police.
- C. He shall not alter or deface the card or permit others to do so.
- D. He shall not represent the aforesaid license to be an endorsement of the licensee or of the goods or services of his or her principal or employee.
- E. He shall not enter or attempt to enter any dwelling without an invitation or permission of the occupant and shall leave immediately upon request.
- F. He shall surrender immediately the license card upon revocation of the license.
- G. He shall not conduct the business licensed under this Chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

97-9. Prohibited hours; exceptions.

- A. No peddler, huckster, hawker, solicitor or itinerant merchant shall call upon or go upon private residences in the Borough of Exeter on Sundays or before 9:00 a.m. or after sundown on all other days without having been requested or invited to do so by the occupant or occupants of said private residence.
- B. This Section shall not apply to persons soliciting contributions, gifts or pledges of money or any other thing of value, nor to persons engaging in the dissemination of economic, political, cultural or religious information in the Borough of Exeter.

97-10. Record of licenses; supervision of licensees.

The Chief of Police shall keep a record of all licenses issued under this Chapter. The Mayor and the Chief of Police shall supervise the activities of all holders of such licenses.

97-11. Revocation of license.

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- A. The Mayor is hereby authorized to revoke any license issued under this Chapter:
 - (1) For failure of the licensee to comply with the rules set forth in Sections 97-8 and 97-9 hereof.
 - (2) For violation of any of the provisions of this Chapter.
 - (3) For giving false information upon any application for a license hereunder.
 - (4) Upon such licensee's being arrested and convicted for any crime involving moral turpitude.
- B. Such revocation may be in addition to any fine imposed.

97-12. Notice of revocation.

Notice of revocation shall be given by written notice to the licensee, personally served or sent by registered mail to the address of the licensee.

97-13. Appeal of revocation.

- A. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the Borough Council of the Borough of Exeter at a regular or special meeting and show cause why the license should not have been revoked.
- B. The Borough Council is hereby authorized to reinstate the license if it is satisfied that the license should not have been revoked.

97-14. Violations and penalties.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof before a District Magistrate, be punishable by a fine of not more than three hundred (\$300.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, by imprisonment in the County jail for a term of not more than ninety (90) days, and a separate violation shall be deemed to be committed on each day during or on which a violation occurs or continues.

1 2		Chapter 100 PLUMBING
3		
4 5	100-1.	Adoption of Code by reference; official copies.
6 7	100-2.	Permits for plumbing work; fees.
8 9 LO	100-3.	Requirements for plumbing permits.
L1 L2	100-4.	Enforcement.
L2 L3 L4	100-5.	Violations and penalties.
15 16	100-6.	Definitions.
L7 L8	100-7.	Qualifications of plumber.
L9 20 21		GENERAL REFERENCES
22 23 24 25	Electri Excavat Fire Pr	g Construction - See Ch. 33 cal Standards - See Ch. 48 ions - See Ch. 55 evention - See Ch. 59 Standards - See Ch. 70
26 27 28 29		d Occupations - See Ch. 79
30	100-1.	Adoption of Code by reference; official copies.
31 32	Α.	There is hereby adopted by the Borough of Exeter,
33		Pennsylvania, that a certain code known as the "BOCA
34		National Plumbing Code, Eighth Edition, 1990", with its
35		supplement, prepared and published by the Building
36		Officials and Code Administrators International, Inc., for
37		the purpose of governing plumbing, as defined in the Code
88		hereby adopted, including the practice and materials and
39		fixtures used for the installation, maintenance, extension
10		and all alterations of all piping, fixtures, appliances and
11		appurtenances in connection with the sanitary drainage or

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100-1

terminal.

storm drainage facilities, the venting system and the

public or private water supply systems within or adjacent

to any building or other structures or conveyances, and

including the practice and materials used in the installation, maintenance, extension or alteration of the

storm water or sewerage system of any premises to their

connection with any point of public disposal or other

B. Official copy. Three (3) copies of the BOCA National Plumbing Code shall be kept on file by the Council for inspection by and use of the public and shall be marked with the words "Borough of Exeter, official copy".
100-2. Permits for plumbing work; fees.

A. Issuance of permit. From and after the effective date of this Chapter, it shall be unlawful, without first securing a permit therefore, to do any plumbing or pipe-fitting work which involves the installation of or roughing-in of opening for one (1) or more water closets, toilets, sinks, washtrays, washtubs, washbasins, leader connections, floor drains, septic tanks or any other item or equipment utilizing water or other liquid to carry away waste or sewage or for any similar purpose, or the installation of a domestic or commercial hot-water-heating vessel. A permit shall be issued to a plumber except as provided in Subsection B herein.

 B. Exception. Any permit required by this code may be issued to any person to do any work regulated by this Code in a single-family dwelling used exclusively for living purposes, including the usual necessary buildings and quarters in connection with such dwelling.

C. Application for permit. Upon the filing of a written application, in such form as the Building Inspector or his appointed individuals shall require, a permit shall be issued in duplicate to the plumber, one (1) copy thereof to be conspicuously posted upon the premises where the work is being done until the work done has been inspected and approved by the Building Inspector or his appointed individual.

D. Schedule of fees.

(1) The application shall be accompanied by the applicable permit fee based on the estimated cost of the plumbing work for which the permit is applied, in accordance with the following fee schedule:

 (2) In the event the applicant for a permit required by this Chapter has included the cost of the plumbing work contemplated and has paid a fee thereon under

the Building Code of the Borough of Exeter, or has paid a fee based on the cost of the work under any other ordinance of the Borough of Exeter of statute of the Commonwealth of Pennsylvania, he shall not be required to pay the fee above set forth.

100-3. Requirements for plumbing permits.

- Plans and specifications. No permit shall be issued until Α. plans and specifications showing the proposed work in necessary detail have been submitted to the Building Inspector or his appointed individuals and the Building Inspector has determined from examination of such plans and specifications that they give assurance that the work will conform to the provisions of this Code. If a permit is the applicant may submit revised plans and denied, specifications without payment of additional fee. If in the course of the work it is found necessary to make any change from the plans and specifications on which a permit has been issued, amended plans and specifications will be submitted and a supplementary permit shall be issued to cover the change, with payment of additional fee, if necessary.
- B. Repairs. Repairs involving only the working parts of a faucet or valve, the clearance of stoppages, repairing of leaks or replacement of defective faucets or valves may be made without a permit, provided no changes are made in the piping to the fixtures.

100-4. Enforcement.

- A. Inspection and tests. During the progress of the work or within a reasonable time thereafter, the Building Inspector or his appointed individuals shall make an inspection to determine whether or not said work complies with the Plumbing Code and the statutes and ordinances governing the same. If he shall find that said work does not comply, he shall notify and require the owner of the premises and the plumber to remedy same within a reasonable time after receipt of such notice, and it shall thereupon be the duty of both the owner and the plumber to comply with such notice. Failure to so comply will constitute a violation of this Chapter and be punishable as hereinafter set forth in Section 100-5.
- B. Right of entry. The Building Inspector or his appointed individuals, in the discharge of their official duties and upon proper identification, shall have authority to enter any building, structure or premises at a reasonable hour.

C. Notice of commencement of work. The Borough Building Inspector shall be given at least twenty-four (24) hours notice of commencement of work by the individual, firm or corporation to whom the plumbing permit was issued.

100-5. Violations and penalties.

Any person who shall violate a provision of this Code or shall fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, add to or alter, move or demolish, or has erected, constructed, added to or altered, moved or demolished, a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a summary offense and, upon conviction thereof, shall be punishable by a fine of not more than one hundred (\$100.00) dollars and costs of prosecution, and upon default in payment of the fine and costs, by imprisonment in the County jail for a term of not more than ninety (90) days; and this penalty may also be imposed upon the owner of a building or structure or portion thereof or of the premises where anything in violation of this Code shall be placed or shall exist, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who assisted in the commission of such violation. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Code is committed or continued, and upon conviction of such violation each such person shall be punished within the limits of and as provided by state laws.

100-6. Definitions.

Wherever the word "plumber" is used in the Plumbing Code, it shall be held to mean anyone actively engaged in a responsible capacity for at least three (3) years in the practice of the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems within or adjacent to any building, structure or conveyance.

100-7. Qualifications of plumber.

Proof of qualification as a plumber shall be submitted to the Building Inspector and shall be approved by him prior to his issuing a permit.

RADAR

1 2 3			Chapter 102 RADAR
4 5 6	102-1.	Authorization.	

102-1. Authorization.

 The Exeter Borough Police Department is hereby authorized and empowered to use any and all mechanical, electrical and electronic devices for the timing of motor vehicles speed. The authority hereby granted shall relate to all public roadways within the Borough. The authority hereby granted shall pertain to present speed timing devices as well as those to be developed in the future.

1 2 3		Chapter 118 SNOW AND ICE CONDITIONS
ა 4		
5		ARTICLE I
6		Snow and Ice Removal
7		
8	118-1.	Prompt removal required.
9		
10	118-2.	Removal by Borough; costs and penalty.
11	110 2	
12	118-3.	Violations and penalties.
13 14		ARTICLE II
14 15		Snow and Ice Emergency Conditions
16		bliow and ice imergency conditions
17	118-4.	Declaration of snow and ice emergency.
18		orthogon of the too emergency,
19	118-5.	Parking prohibited, driving motor vehicles restricted on
20		snow emergency route.
21		
22	118-6.	Snow emergency routes designated.
23		
24	118-7.	Parking restricted on streets other than snow emergency
25		routes.
26		
27	118-8.	Penalties for violation.
28	110 0	Ci mu a
29	118-9.	Signs.
30 31		
32		ARTICLE I
33		Snow and Ice Removal
34		DHOW WHE ICE KEMOVAI
35	118-1.	Prompt removal required.
36		
37	The	owner, occupant or tenant of every property fronting upon

 The owner, occupant or tenant of every property fronting upon or alongside any of the streets in the Borough of Exeter is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside such property all snow or ice thereon fallen or formed within twelve (12) hours after the same shall have ceased to fall or to form; provided that the owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by such owner or is unoccupied; the tenant or occupier hereof, where such property is occupied by such tenant or occupier only; and the owner thereof, where the property is a multiple-business or multiple-dwelling property occupied by more than one (1) tenant or occupier.

Removal by Borough; costs and penalty. 118-2.

In any case where the owner, tenant or occupier as aforesaid shall fail, neglect or refuse to comply with any of the provisions of Section 118-1 within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalks of such delinquents and to collect the expenses thereof, with a penalty of ten (10%) percent, from such owner, occupant or tenant, as the case may be, by municipal claim, action of assumpsit or other method allowed by law, which may be in addition to any fine or penalty imposed under Section 118-3.

Violations and penalties. 118-3.

Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by Section 118-1 shall, upon conviction thereof, be punishable by a fine of not more than ten dollars (\$10.00) and costs of prosecution, and such penalty shall be in addition to any penalty imposed under the provisions of Section 118-2.

ARTICLE II Snow and Ice Emergency Conditions

Declaration of snow and ice emergency. 118-4.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes hereinafter designated, the Mayor of the Borough of Exeter, in his discretion, may declare a snow and ice emergency (hereinafter "snow Information on the existence of a snow emergency may emergency"). be given by the Borough of Exeter through radio, newspaper or other available media and information on the termination of the emergency may be given by use of the same media.

Parking prohibited, driving motor vehicles restricted on 118-5. snow emergency route.

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

- Α. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in Section 118-6 of this Chapter; or
- В. To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

118-2

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118-6. Snow emergency routes designated.

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The following are designated as snow emergency routes:

A. Wyoming Avenue - The entire length of Wyoming Avenue located in the Borough of Exeter.

118-7. Parking restricted on streets other than snow emergency routes.

During the period of a declared snow or ice emergency, parking on the streets of the Borough of Exeter, other than a designated snow emergency route, shall be restricted as follows:

- A. On an even day of the month, it shall be unlawful to park a motor vehicle or to allow that vehicle to remain parked on the even numbered side of any street located in the Borough of Exeter.
- B. On an odd day of the month, it shall be unlawful to park a motor vehicle or to allow that vehicle to remain parked on the odd numbered side of any street located in the Borough of Exeter.

118-8. Penalties for violation.

- A. If at any time during the period of a snow or ice emergency declared under this Ordinance, a person shall park a motor vehicle or allow a motor vehicle to remain parked contrary to the provisions of this Ordinance, that person shall be guilty of a violation of this Ordinance and upon conviction shall be sentenced to pay a fine of not more than Fifteen (\$15.00) Dollars plus the cost of towing or removal of said vehicle plus the costs of prosecution.
- B. If at any time during the period of a snow or ice emergency declared under this Ordinance, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Ordinance and upon conviction shall be sentenced to pay a fine of Twenty-five (\$25.00) Dollars plus costs.

118-9. Signs.

The Borough of Exeter may in its discretion erect and maintain on any designated snow emergency route signs so designating the snow emergency route. Provided however, that the failure of the Borough of Exeter to erect or maintain signs giving notice of the restrictions provided in this Ordinance shall not constitute a

1	defense to any prosecution under this Ordinance nor shall the
2	failure to erect and maintain such signs in any way impair the
3	effectiveness or the validity of this Chapter.
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ABANDONED VEHICLES

Chapter 132 ABANDONED VEHICLES

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132-1. Definitions.

132-2. Motor vehicle nuisances prohibited.

132-3. Storage of motor vehicle nuisances permitted.

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11	132-4.	Inspection: Notice to comply.
12		• •
13	132-5.	Authority to remedy noncompliance.
14		
15	132-6.	Penalties.
16		
17	132-7.	Remedies not mutually exclusive.
18		
19		
20		GENERAL REFERENCE
21		
22	Vehicl e	and Traffic Regulations - See Ch. 134
23		
24		
25	132-1.	Definitions. Granded 11-6-66
26		
27		used in this Chapter, the following terms shall have the
28	meanings	s indicated, unless a different meaning clearly appears from
29	the cont	
30		
31	LESS	SEE - owner for the purpose of this Chapter, when the lessor
32	holo	ds the lessee responsible for maintenance and repairs.
33		
34	MOTO	OR VEHICLE - any type of mechanical device, propelled by a
35	moto	or, in which persons or property may be transported upon
36	pub	lic street or highways and including trailers or semi-
37		ilers pulled thereby.
38		
39	NUIS	SANCE - any condition, structure, or improvement which shall
40	cons	stitute a threat or potential threat to the health, safety
41		welfare of the citizens of the Borough.
42		· ·
43	OWN	ER - the actual owner, agent, or custodian of the property
44		which motor vehicles are stored, whether individual or
45		tnership, association, or corporation.
46	•	
47	PER	SON - a natural person, firm, partnership, association,
48		poration, or other legal entity.
49		, · · · · · · · · · · · · · · · · · · ·
50	In	this Chapter, the singular shall include the plural, the
- •		
		1221

EXETER BOROUGH ORDINANCE NO. of 2006

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA AMENDING A PRIOR ORDINANCE WHICH GOVERNS ABANDONED MOTOR VEHICLES WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA 18643.

WHEREAS, AN ORDINANCE AMENDING AND ESTABLISHING A NEW EXPANDED SUB-PART WHICH EXPANDS THE DEFINITION OF PREVIOUSLY PASSED, FULLY EXECUTED ORDINANCE WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AND MORE SPECIFICALLY, A MORE EXTENSIVE DESCRIPTION OF WHAT CONSTITUTES AN ABANDONED MOTOR VEHICLE COVERED BY SAID ORDINANCE.

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF AMENDING THEIR ABANDONED VEHICLE ORDINANCE BY EXPANDING SECTION 132-1 (DEFINITIONS) AND THROUGH SAID EXPANSION THE DEFINITION OF THOSE MATERIALS GOVERNED WILL BE EXPANDED BY THE ENFORCEMENT OF THE ABANDONED VEHICLE ORDINANCE.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

CHAPTER 132.1 OF THE EXETER BOROUGH ABANDONED VEHICLE ORDINANCE (MOTOR VEHICLE NUISANCE IS PROHIBITED) WILL BE AMENDED.

SECTION 2.

EXETER BOROUGH WILL AMEND THE ORDINANCE BY EXPANDING SECTION 132.1 (DEFINITIONS) OF THE ABANDONED VEHICLE ORDINANCE.

SECTION 3.

CHAPTER 132.1. MOTOR VEHICLE NUISANCES - ABANDONED VEHICLES WILL BE DEFINED TO INCLUDE:

- 1. A VEHICLE (OTHER THAN A PEDALCYCLE) SHALL BE PRESUMED TO BE ABANDONED UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:
- i. THE VEHICLE IS PHYSICALLY INOPERABLE AND IS LEFT UNATTENDED ON A HIGHWAY OR OTHER PUBLIC OR PRIVATE PROPERTY FOR MORE THAN 48 HOURS.

- ii. THE VEHICLE IS PHYSICALLY HAS REMAINED ILLEGALLY ON A HIGHWAY OR OTHER PUBLIC PROPERTY FOR A PERIOD OF MORE THAN 48 HOURS.
- iii. THE VEHICLE IS LEFT UNATTENDED ON OR ALONG A HIGHWAY OR OTHER PUBLIC OR PRIVATE PROPERTY FOR MORE THAN 48 HOURS AND DOES NOT BEAR ALL OF THE FOLLOWING:
 - a. A VALID REGISTRATION PLATE.
 - b. A CERTIFICATE OF INSPECTION.
- C. AN ASCERTAINABLE VEHICLE IDENTIFICATION NUMBER.
- iv. THE VEHICLE HAS REMAINED ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE PROPERTY FOR MORE THAN 48 HOURS.

SECTION 4:

Section 132.1 MOTOR VEHICLE NUISANCES PROHIBITED SHALL CONTAIN THE FOLLOWING EXCEPTION WHICH EXCEPTION SHALL BE ADDED TO THE FULLY ENFORCEABLE ORDINANCE AND SHOULD READ AS FOLLOWS:

2. EXCEPTIONS:

VEHICLES AND EQUIPMENT USED OR TO BE USED IN CONSTRUCTION OR IN THE OPERATION OR MAINTENANCE OF HIGHWAYS OR PUBLIC UTILITY FACILITIES, WHICH ARE LEFT IN A MANNER WHICH DOES NOT INTERFERE WITH THE NORMAL MOVEMENT OF TRAFFIC, SHALL NOT BE CONSIDERED TO BE ABANDONED.

SECTION 5.

THIS NEW AMENDED ORDINANCE TAKES PRECEDENT OVER ALL PREVIOUSLY LAWFULLY PASSED ORDINANCES WHICH GOVERN ABANDONED VEHICLES AND MOTOR VEHICLE NUISANCES PROHIBITED.

SECTION 6.

ALL OTHER CHAPTERS OF THE EXETER BOROUGH MOTOR VEHICLE ORDINANCE SHALL REMAIN THE SAME.

THIS ORDINANCE SHALL TAKE EFFECT / / - 6 - , 2006.

ORDAINED AND ENACTED INTO LAW THIS _ 6 DAY OF Worker 2006.

ATTEST:

EXETER BOROUGH COUNCIL

BOROUGH SECRETARY

PRESIDENT OF COUNCIL

APPROVED THIS 6 OF Movember, 2006.

MAYOR

ABANDONED VEHICLES

plural shall include the singular, and the masculine shall include the feminine and the neuter.

132-2. Notor vehicle nuisances prohibited. Amended 11-05

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 It shall be unlawful for any person, owner, or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner, or lessee within the Borough. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass with sharp edges which could cause laceration.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
- D. Any body parts with sharp edges, including holes resulting from rust which could cause laceration.
- E. Missing tires, resulting in unsafe suspension of the motor vehicle which could cause personal injury.
- F. Upholstery which is torn or open, which could permit animal and/or vermin harborage.
- G. Broken headlamps or tail-lamps with sharp edges which could cause laceration.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle which could cause personal injury.
- I. Protruding sharp objects from the chassis which could cause laceration.
- J. Broken vehicle frame suspended from the ground in an unstable manner which could cause injury if it fell to ground.
- K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.
- L. Exposed battery containing acid which could result in fire, burn or other injury.
- M. Inoperable locking mechanism for doors or trunk which could

EXETER BOROUGH ORDINANCE NO. of 2005

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA AMENDING A PRIOR ORDINANCE WHICH GOVERNS MOTOR VEHICLE NUISANCES WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA 18643.

WHEREAS, AN ORDINANCE AMENDING AND ESTABLISHING A NEW SUB-PART WHICH EXPANDS THE COVERAGE OF PREVIOUSLY PASSED, FULLY EXECUTED ORDINANCE WITHIN THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AND MORE SPECIFICALLY, A MORE DETAILED DESCRIPTION OF THOSE MATERIALS WHICH ARE COVERED BY SAID ORDINANCE.

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF AMENDING THEIR ABANDONED VEHICLE ORDINANCE BY ADDING SUB-PART U TO CHAPTER 132-2 AND THROUGH SAID SUB-PART EXPANDING THE DEFINITION OF THOSE MATERIALS WHICH ARE GOVERNED BY THE ENFORCEMENT OF THE ABANDONED VEHICLE ORDINANCE.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

CHAPTER 132.2 OF THE EXETER BOROUGH ABANDONED VEHICLE ORDINANCE (MOTOR VEHICLE NUISANCE IS PROHIBITED) WILL BE AMENDED.

SECTION 2.

EXETER BOROUGH WILL AMEND THE ORDINANCE BY ADDING SUB-PART U TO CHAPTER 132.2 OF THE ABANDONED VEHICLE ORDINANCE.

SECTION 3.

CHAPTER 132.2. MOTOR VEHICLE NUISANCES PROHIBITED.

SUB-PART U SHALL INCLUDE, BUT NOT LIMITED TO: FRAMES, DOORS, FENDERS, WINDOWS, WINDSHIELDS, TIRES, RIMS, CAMPER AND UTILITY TOPS, TOOL BOXES, RECREATIONAL VEHICLES. RECREATIONAL VEHICLES WILL INCLUDE BUT NOT LIMITED TO POP-UP CAMPERS, TAG-A-LONG TRAILERS, MOTOR HOMES, MOBILE HOMES, THEIR FRAMES, DOORS, WINDOWS AND TIRES. WATERCRAFT, WATERCRAFT AND UTILITY TRAILERS, MOTORCYCLES, MOTOR SCOOTERS, MOPEDS, GOLF CARS (EXCEPT THOSE IN USE AT A RECOGNIZED FACILITY), ATV'S, MOTORIZED DIRT BIKES.

SECTION 4.

THIS NEW AMENDED ORDINANCE TAKES PRECEDENT OVER ALL PREVIOUSLY LAWFULLY PASSED ORDINANCES WHICH GOVERN ABANDONED VEHICLES AND MOTOR VEHICLE NUISANCES PROHIBITED.

SECTION 5.

ALL OTHER CHAPTERS OF THE EXETER ORDINANCE SHALL REMAIN THE SAME.	
TAKE EFFECT	, 2005.
ORDAINED AND ENACTED INTO LAW THIS	DAY OF NOW, 2005

ATTEST:

EXETER BOROUGH COUNCIL

OROUGH SECRETARY PRESIDENT OF COUNCIL

APPROVED THIS I OF Movember 2005.

MAYÒR

ABANDONED VEHICLES

result in suffocation if vehicle were entered. 1 2 3 N. Open or damaged floor boards, including trunk and firewall which could cause personal injury. 4 5

- 0. Damaged bumpers pulled away from the perimeter of vehicle which could cause laceration or other injury.
- р. Broken grill with protruding edges which could cause laceration.
- Loose or damaged metal trim and clips which could cause Q. laceration or other injury.
- R. Broken communication equipment antennae which could result in personal injury.
- Suspended on unstable supports which could cause injury if s. vehicle fell to ground.
- Any other defects which could threaten the health, safety T. and welfare of the citizens of the Borough.

132-3. Storage of motor vehicle nuisances permitted.

Any person, owner or lessee who has one or more motor vehicle nuisances, as defined in Section 132-2 above, may store such vehicle(s) in the Borough only in strict compliance with the regulations provided herein. Such person, owner or lessee must first apply for a permit for either temporary or permanent storage and pay a fee to the Borough such as may be provided from time to time by resolution of Borough Council. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or outside within an opaque fence at least six feet (6') high, which is locked at all times when unattended. special approval of Borough Council, motor vehicle nuisances may also be stored outside in an area enclosed by a chain link fence at least six feet (6') high, screened by shrubbery around the perimeter to the height of the fence with an unobstructed gate capable of admitting fire or emergency equipment. Such gate shall remain locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle, and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances may not exceed twenty-five hundred (2,500) square feet.

Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Borough of Exeter's Zoning Ordinance.

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ABANDONED VEHICLES

132-4. Inspection: notice to comply.

- A. The Code Enforcement Officer and/or Chief of Police or their duly appointed representative are hereby empowered to inspect grounds on which motor vehicles are stored to determine if there is compliance with the provisions of this Chapter. If noncompliance with the provisions of this Chapter constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety and welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice and thereafter to fully comply with the requirements of the notice within a reasonable time.

132-5. Authority to remedy noncompliance.

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the conditions within the time limit prescribed, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten (10%) percent of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

132-6. Penalties.

 Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred (\$300.00) dollars and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Chapter continues shall constitute a separate offense.

132-7. Remedies not mutually exclusive.

The remedies provided herein for the enforcement of this Chapter or any remedy provided by law shall not be deemed mutually exclusive. Rather, they may be employed simultaneously or consecutively at the option of Borough Council.

1 2 3		Chapter 134 VEHICLES AND TRAFFIC
4 5 6		ARTICLE I General Regulations
7 8 9	134-1.	Definitions and interpretation.
10 11 12	134-2.	Manner of adopting permanent traffic and parking regulations.
13 14	134-3.	Temporary and emergency regulations.
15 16	134-4.	Experimental regulations.
17 18	134-5.	Authority of police officers.
19 20 21		ARTICLE II Traffic Regulations
22 23	134-6.	Vehicles on sidewalks prohibited.
24 25	134-7.	Speed limits established.
26	134-8.	Traffic signals at certain intersections.
27 28	134-9.	One-way highways established.
29 30	134-10.	Traffic to keep to right of structures and barriers.
31 32	134-11.	Stop intersections established.
33 34 35 36	134-12.	Yield right-of-way intersections established.
37 38 39		ARTICLE III Parking Regulations
40	134-13.	Parking prohibited at all times.
41 42 43	134-14.	Violations and penalties.
44 45		ARTICLE IV Notices of Violation; Payment of Fines
46 47	134-15.	Violations and fines.
48 49 50	134-16.	Receipt of notice; payment of fine.

ARTICLE V

Interpretation and Repeal

ARTICLE VI

Restrictions on Operation, Parking and Storage of Commercial Vehicles, School Buses and Truck Tractors

134-17. Provisions to be continuations of existing regulations.

 134-18. Definitions.

Storage of vehicles.
Certain classes of vehicles prohibited on certain highways.
Vehicle weight limits established.
Violations and penalties.
ARTICLE I
General Regulations
Definitions and interpretation.
Words and phrases, when used in this Chapter, shall have
the meanings ascribed to them in the Vehicle Code of
Pennsylvania, as now in force or as hereafter amended,
enacted or re-enacted, except where the context clearly
indicates a different meaning.
The term "legal holidays" as used in this Chapter shall
mean and include: New Year's Day, Memorial Day,
Independence Day, Labor Day, Thanksgiving Day and
Christmas.
TO AND MADE AND AND AND ADDRESS OF THE PARTY
In this Chapter, the singular shall include the plural, the
plural shall include the singular, and the masculine shall
include the feminine and the neuter.
Manage of alautium namenaut turific and nameium
• • •
regulations.
traffic and parking regulations of a permanent nature shall
ed as ordinances or as parts of ordinances or as amendments
nances of the Borough of Exeter.
dances of the bolough of exeter.
Temporary and emergency regulations.
remporary and emergency regulations.
The Mayor shall have the following powers to regulate
The hajor sharr have the following powers to regulate
134-2

traffic and parking temporarily and in time of emergency:

- (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
- (2) In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than seventy-two (72) hours.
- в. Such temporary and emergency regulations shall be enforced by the Mayor and the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than three hundred (\$300.00) dollars and costs of prosecution, and on default in payment of such fine and costs, to undergo imprisonment for not more than ninety (90) days.

134-4. Experimental regulations.

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The Borough Council may, from time to time, designate places upon and along the highways in the Borough where, for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective just as if they had been specified in this Chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than three hundred (\$300.00) dollars and costs of prosecution, and on default in payment of such fine and costs, to undergo imprisonment for not more than ninety (90) days. The purpose of this Section is to allow for the test and experiment determination of the feasibility

and desirability or permanent changes in the ordinances of the Borough relative to traffic and parking.

134-5. Authority of police officers.

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The police officers of the Borough are hereby given authority to direct traffic on the highways of the Borough and at intersections thereof.

ARTICLE II Traffic Regulations

134-6. Vehicles on sidewalks prohibited.

No person shall operate a motor vehicle or tractor upon any sidewalk in the Borough; nor shall any person operate a motor vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been property cut down for the purpose. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to a pay a fine of twenty-five (\$25.00) dollars and costs of prosecution, and on default in payment of such fine and costs, to undergo imprisonment for not more than ninety (90) days.

134-7. Speed limits established.

A. The speed limit in a school zone is hereby established at 15 miles per hour. The speed limit for all streets in Exeter Borough is 25 miles per hour except as specified below:

2.2		•		
32				
33	Highway	Highway and		
34	Speed Limit	Direction	From	То
35			_	
36	30	Route 92 (N, S)	Twp. Line	Byrd St.
37	35	Wyoming Avenue (N, S)	Erie Ave.	Penn St.
38	35	Wyoming Avenue (S)	Penn St.	Schooley Ave.
39	35	Wyoming Avenue (N)	First St.	Schooley Ave.
40	35	Tunkhannock Ave. (S)	Wyoming Ave.	
41	35	Schooley Ave. (E, W)		Slocum Ave.
42	35	(E, W)	Mason Lane	Packer Ave.
43	35	* * *	Packer Ave.	Pocono NE RR
44	35	Slocum Ave. (N)	Miles Marker	
45	35	Slocum Ave. (S)	Miles Marker	
46	40	Slocum Ave. (N)	Miles Marker	
47		Slocum Ave. (S)	Miles Marker	
48		Route 92 (N, S)		Borough Line
49		,	1	porough pine

134-4

В.	Any person who shall operate a vehicle or tractor at	a
	speed in excess of that established therefore upon ar	
	highway or portion thereof specified in this Section shall	
	upon conviction thereof, be fined according to the	16
	Pennsylvania Motor Vehicle Code, Section 3362.	

134-8. Traffic signals at certain intersections.

A. At the following intersections, official traffic signals shall be erected (or if heretofore erected are hereby ratified), and traffic at such intersections shall be directed by such signals:

Schooley Street and Wyoming Avenue
Lincoln Street and Wyoming Avenue
Penn Avenue and Wyoming Avenue
Tunkhannock Avenue and Wyoming Avenue
Wyoming Avenue at Birchwood Estates and Sullivan Street

B. Any operator of a vehicle or tractor who shall disobey the directions of any traffic signal shall, upon conviction thereof, be fined according to the Pennsylvania Motor Vehicle Code, Section 3112.

134-9. One-way highways established.

A. The following are hereby established as one-way highways:

Highway	From	To	Direction of Travel
Penn Ave.	Memorial Ave.	Wyoming Ave.	West
Laird St.	Orchard St.	Schooley Ave.	North
Penn Ave.	Memorial St.	Wyoming Ave.	West
Exeter Ave.	Exeter Alley	Route 92	North
Wyoming Ave.	Ash Court	Adams Court	West

B. Any person who shall operate a motor vehicle or tractor upon any highway or portion thereof hereby established as a one-way highway other than in the direction hereby established for traffic thereon shall, upon conviction thereof, be fined according to the Pennsylvania Motor Vehicle Code, Section 3308.

134-10. Traffic to keep to right of structures and barriers.

A. All vehicular traffic shall keep to the right of the

following structures or barriers located in the center of the specified intersections:

(Reserved)

B. Any person who shall operate a vehicle or tractor in violation of any provision of this Section shall, upon conviction thereof, be fined according to the Pennsylvania Motor Vehicle Code, Section 3306.

134-11. Stop intersections established.

 A. The following intersections, and such other intersections located within the Municipality as may from time to time be designated by ordinance, are hereby established as "Stop Intersections" and official "stop signs" shall be erected (or are hereby confirmed if heretofore erected) in such a position as to face traffic approaching the second-named highway upon the first-named highway in the direction or directions hereby indicated. All vehicles approaching such intersection upon the first-named highway, in the direction or directions hereby indicated in each case, shall come to a full stop, within a reasonable distance, before entering said any such intersections:

26 27	Stop Sign	Direction of travel	Intersection
28	Sturmer Street	North	Schooley Avenue
29	Sturmer Street	North	Roosevelt Street
30	Sturmer Street	South	Roosevelt Street
31	Roosevelt Street	West	Sturmer Street
32	Roosevelt Street	East	Sturmer Street
33	Whitlock Street	East	Sturmer Street
34	Whitlock Street	West	Sturmer Street
35	Wilson Street	West	Sturmer Street
36	Wilson Street	East	Sturmer Street
37	Sturmer Street	North	Wilson Street
38	Sturmer Street	South	Wilson Street

1	McKinley Street	West	Sturmer Street
2	McKinley Street	East	Sturmer Street
3	Sturmer Street	North	Union Street
4	Sturmer Street	South	Union Street
5	Sturmer Street	South	Anthracite Street
6	Anthracite Street	West	Sturmer Street
7	Anthracite Street	East	Harding Street
8	Anthracite Street	West	Harding Street
9	Harding Street	South	Anthracite Street
10	Union Street	East	Harding Street
11	Union Street	West	Harding Street
12	McKinley Street	West	Harding Street
13	McKinley Street	East	Harding Street
14	McKinley Street	West	Miner Avenue
15	Wilson Street	East	Harding Street
16	Wilson Street	West	Harding Street
17	Harding Street	North	Wilson Street
18	Harding Street	South	Wilson Street
19	Whitlock Street	East	Harding Street
20	Whitlock Street	West	Harding Street
21	Harding Street	North	Whitlock Street
22	Harding Street	South	Whitlock Street
23	Harding Street	North	Roosevelt Street
24	Roosevelt Street	East	Harding Street
25	Roosevelt Street	West	Harding Street

1	Jackson Street	North	Roosevelt Street
2	Roosevelt Street	West	Slocum Avenue
3	Wilson Street	West	Slocum Avenue
4	Whitlock Street	West	Jackson Street
5	Jackson Street	South	Wilson Street
6	Washington Street	North	Wilson Street
7	Washington Street	South	Wilson Street
8	Wilson Street	West	Washington Street
9	Wilson Street	East	Washington Street
10	Washington Street	North	Roosevelt Street
11	Washington Street	South	Anthracite Street
12	Whitlock Street	East	Washington Street
13	Lehigh Street	North	Wilson Street
14	Lehigh Street	South	Wilson Street
15	Wilson Street	East	Lehigh Street
16	Lehigh Street	North	Roosevelt Street
17	Schooley Avenue	East	Slocum Avenue
18	Schooley Avenue	West	Slocum Avenue
19	Slocum Avenue	North	Schooley Avenue
20	Slocum Avenue	South	Schooley Avenue
21	Packer Avenue	West	Slocum Avenue
22	Troback Drive	West	Slocum Avenue
23	Troback Drive	East	Donna's Way
24	Mary's Circle	North	Troback Drive
25	Holly Lane	South	Packer Avenue

1	Holly Lane	North	Silver Bell Lane
2	Hunters Circle	South	Silver Bell Lane
3	Donna's Way	South	Silver Bell Lane
4	Donna's Way	North	Troback Drive
5	Slocum Avenue	East	Exeter Avenue
6	Exeter Avenue	South	Slocum Avenue
7	Layton Street	West	Exeter Avenue
8	Exeter Alley	South	Exeter Avenue
9	Exeter Avenue	East	Route 92
10	Byrd Street	North	Exeter Avenue
11	Bennett Street	North	Exeter Avenue
12	Tunkhannock Avenue	North	Exeter Avenue
13	Wilkern Street	West	Exeter Avenue
14	Bennett Street	South	Stevens Lane
15	Stevens Lane	West	Bennett Street
16	Stevens Lane	East	Tunkhannock Avenue
17	Stevens Lane	East	Bennett Street
18	Jesse Street	West	Bennett Street
19	Packer Avenue	East	Tunkhannock Avenue
20	Fox Hill Place	East	Tunkhannock Avenue
21	Packer Avenue	East	Tunkhannock Avenue
22	Tunkhannock Avenue	South	Wyoming Avenue
23	Cedar Street	North	Penn Avenue
24	Cedar Street	North	Lincoln Street
25	Cedar Street	South	Lincoln Street

		•	
1	Lincoln Street	West	Cedar Street
2	Lincoln Street	East	Cedar Street
3	Cedar Street	North	Grant Street
4	Cedar Street	South	Grant Street
5	Grant Street	East	Cedar Street
6	Grant Street	West	Cedar Street
7	Cedar Street	North	Valley Street
8	Cedar Street	South	Valley Street
9	Cedar Street	North .	Schooley Avenue
10	Cedar Street	South	Schooley Avenue
11	Cedar Street	North	Orchard Street
12	Cedar Street	South	Orchard Street
13	Orchard Street	West	Cedar Street
14	Orchard Street	East	Cedar Street
15	Cedar Street	North	Barber Street
16	Cedar Street	South	Barber Street
17	Barber Street	West	Cedar Street
18	Memorial Street	South	Lincoln Street
19	Memorial Street	North	Penn Avenue
20	Memorial Street	South	Penn Avenue
21	Penn Avenue	West	Memorial Street
22	Penn Avenue	East	Susquehanna Avenue
23	Susquehanna Avenue	North	Penn Avenue
24	Susquehanna Avenue	South	Penn Avenue
25	Susquehanna Avenue	North	Grant Street

1	Susquehanna Avenue	South	Grant Street
2	Grant Street	East	Susquehanna Avenue
3	Susquehanna Avenue	North	Schooley Avenue
4	Susquehanna Avenue	South	Schooley Avenue
5	Valley Street	East	Susquehanna Avenue
6	Schooley Avenue	East	Susquehanna Avenue
7	Orchard Street	East	Susquehanna Avenue
8	Barber Street	East	Susquehanna Avenue
9	Susquehanna Avenue	North	Trayor Street
10	Susquehanna Avenue	South	Trayor Street
11	Trayor Street	East	Susquehanna Avenue
12	Sanovia Street	East	Susquehanna Avenue
13	Sullivan Street	East	Susquehanna Avenue
14	Harland Street	East	Susquehanna Avenue
15	Mosier Street	North	Valley Street
16	Mosier Street	North	Schooley Avenue
17	Mosier Street	South	Schooley Avenue
18	Mosier Street	South	Orchard Street
19	Park Lane	North	Barber Street
20	Park Lane	South	Trayor Street
21	Trayor Street	East	Scarborough Avenue
22	Trayor Street	West	Park Lane
23	Trayor Street	West	Wyoming Avenue
24	Sullivan Street	East	Scarborough Avenue
25	Sullivan Street	West	Scarborough Avenue

1	Scarborough Avenue	North	Sullivan Street
2	Scarborough Avenue	South	Sullivan Street
3	Harland Street	West	Scarborough Avenue
4	Scarborough Avenue	South	First Street
5	First Street	West	Wyoming Avenue
6	First Street	West	Monument Avenue
7	Sullivan Street	West	Wyoming Avenue
8	Barber Street	East	Wyoming Avenue
9	Barber Street	West	Wyoming Avenue
10	Orchard Street	East	Wyoming Avenue
11	Orchard Street	West	Wyoming Avenue
12	Valley Street	East	Wyoming Avenue
13	Valley Street	West	Wyoming Avenue
14	Grant Street	East	Wyoming Avenue
15	Grant Street	West	Wyoming Avenue
16	Mason Street	South	Schooley Avenue
17	Mason Street	South	Grant Street
18	Mason Street	North	Grant Street
19	Grant Street	East	Mason Street
20	Grant Street	West	Mason Street
21	Mason Street	North	Lincoln Street
22	Mason Street	South	Lincoln Street
23	Lincoln Street	East	Mason Street
24	Lincoln Street	West	Mason Street
25	Mason Street	North	Penn Avenue

Penn Avenue	West	Mason Street
Red Ash Court	East	Mason Street
Grove Street	South	Grant Street
Grove Street	North	Lincoln Street
Grove Street	South	Lincoln Street
Warsaw Street	North	Jean Street
Warsaw Street	South	Lincoln Street
Lincoln Street	East	Warsaw Street
Lincoln Street	West	Warsaw Street
Warsaw Street	North	Lincoln Street
Warsaw Street	North	Grant Street
Warsaw Street	South	Grant Street
Grant Street	East	Warsaw Street
Grant Street	West	Warsaw Street
Warsaw Street	North	Thomas Street
Warsaw Street	South	Thomas Street
Thomas Street	East	Warsaw Street
Thomas Street	West	Warsaw Street
Thomas Street	South	Schooley Avenue
Park Street	North	Lincoln Street
Park Street	South	Grant Street
Park Street	North	Grant Street
Park Street	South	Thomas Street
Coolidge Street	North	Thomas Street
Coolidge Street	South	Schooley Avenue
	Red Ash Court Grove Street Grove Street Grove Street Warsaw Street Warsaw Street Lincoln Street Warsaw Street Warsaw Street Warsaw Street Warsaw Street Grant Street Grant Street Warsaw Street Thomas Street Thomas Street Thomas Street Park Street Park Street Park Street Coolidge Street	Red Ash Court Grove Street Grove Street South Grove Street Warsaw Street Lincoln Street West Warsaw Street North Warsaw Street South Grant Street Grant Street West Warsaw Street West Warsaw Street West Thomas Street Thomas Street Thomas Street Thomas Street South Park Street North Park Street North Park Street South Coolidge Street North North North Park Street South Coolidge Street North

1	Hoover	Street	North	Thomas Street	
2	Hoover	Street	South	Schooley Avenue	
3	Thomas	Street	North	Ash Court	
4	Thomas	Street	South	Ash Court	
5					
6	в.			tions set forth in Subse	
7				ereby established at the	
8				rk on to Slocum Avenue a	
9				ns on to Schooley Stree	
10				(or are hereby confirm	
11				a position as to face to	
12		exiting from	n Mount Lookout Tr	ailer Park and Exeter Ga	rdens
13	_	_ ,			
14	C.			shall fail to come to	
15				listance, before enterir	
16				inabove required, shall	
17				according to the Pennsy	Lvanıa
18		motor venic	le Code, Section	3323.	
19 20					
21	124-12	Vield right	-of-way intercept	ions established.	
22	191-12	. Ildia light	-or-way intersect	Tons established.	
23	A.	The following	no intersections a	re hereby established as	vial
24		right-of-way	intersections a	and official yield signs	ghall
25				tified if heretofore ere	
26		in such a	position as to	face traffic approachin	o the
27		second-name	d highway from th	e first-named highway,	in the
28				by indicated, shall yie	
29				le in the intersection	
30				med highway, so closely	
31		constitute	an immediate haz	ard during the time tha	it the
32		operator of	such vehicle or	tractor is moving acro	oss or
33		within such	intersection:	•	
34					
35				Direction	
36	Yi	eld Highway	Through Highway	of Travel	
37					
38			(Reserved	1)	
39					
40					
41	В.		or of a vehicle	or tractor who shall fa	iil to
42		yield the ri	ight-of-way as her	einabove required shall,	, upor
43				according to the Pennsyl	lvania
44		Motor Vehic	le Code, Section	3323.	
45					

ORDINANCE NO. 7 OF 2002

AMENDING THE OFFICIAL ORDINANCE BOOK CHAPTER 134, VEHICLES AND TRAFFIC, ARTICLE 3 PARKING REGULATIONS, SECTION 134-13 ADDING SUBSECTION H TO PROHIBIT PARKING ON WYOMING AVENUE.

AN ORDINANCE OF THE BOROUGH OF EXETER, LUZERNE COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA AMENDING THE EXETER BOROUGH CODE CHAPTER 134-13 ADDING SUBSECTION H TO PROHIBIT PARKING ON WYOMING AVENUE FROM ERIE STREET TO FIRST STREET ON EACH FRIDAY FROM 5 AM TO 9 AM FOR THE PURPOSE OF STREET SWEEPING. FURTHER SECTION 134-15 VIOLATIONS AND FINES IS HEREBY AMENDED TO ADD THE OFFENSE OR PARKING IN AN AREA DESIGNATED NO PARKING AND TO IMPOSE A FINE OF \$10.00 (TEN DOLLARS) FOR VIOLATION.

THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE

MEMBERS PRESENT

MEMBERS VOTING YES:

MEMBERS VOTING NO;

ORDAINED AND ENACTED INTO LAW THIS 2ND. DAY OF INLY, 2002

RICHARD MURAWSKI COUNCIL CHAIRMAN

ATTEST;

SECRETARY-DEBRA SERBIN

I, JOSEPH COYNE, MAYOR, HEREBY APPROVED THIS ORDINANCE.

JOSEPH COYNE MAYOR

ORDINANCE NO. 8 of 2002

AMENDING THE EXETER BOROUGH OFFICIAL ORDINANCE BOOK CHAPTER 134, VEHICLES AND TRAFFIC, ARTICLE III PARKING REGULATIONS, SECTION 134-13 ADDING SUBSECTION I TO PROHIBIT PARKING IN FRONT OF 1253 WYOMING AVENUE

AN ORDINANCE OF THE BOROUGH OF EXETER, LUZERNE COUNTY, AND THE COMMONWEALTH OF PENNSYLVANIA AMENDING THE EXETER BOROUGH CODE CHAPTER 134-13 ADDING SUBSECTION I TO PROHIBIT PARKING IN FRONT OF 1253 WYOMING AVENUE FOR A DISTANCE OF SIXTY (60) FEET TOWARDS SCHOOLEY STREET AND EIGHTY (80) FEET TOWARDS ORCHARD STREET.

THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE.

MEMBERS PRESENT:

MEMBERS VOTING YES:

MEMBERS VOTING NO:

ORDAINED AND ENACTED INTO LAW THIS & Day of , Quegust

PRESIDENT OF COUNCIL

ATTEST:

BOROUGH SECRETARY

I, Joseph Coyne, Mayor, hereby approve veto this Ordinance.

JOSEPH COYNE, HAYOR

EXETER BOROUGH ORDINANCE NO. 4 OF 2008

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA ESTABLISHING A NO PARKING ZONE ON SR 0011 (WYOMING AVENUE) A STATE HIGHWAY TO EXTEND FROM THE CENTER LINE OF THE DRIVEWAY LOCATED AT 991-993 WYOMING AVENUE TO A DISTANCE OF 64' NORTH AND SOUTH.

WHEREAS AN ORDINANCE ESTABLISHING A NO-PARKING ZONE ON SR 0011 AT 991-993 WYOMING AVENUE ON A STATE HIGHWAY LOCATED WITHIN THE BOROUGH OF EXETER AND WILL REQUIRE THE POSTING OF NO-PARKING SIGNS SITUATED IN PROPER DESIGNATE AREA TO NOTIFY THE RESIDENTS OF EXETER BOROUGH AND THOSE TRAVELING WITHIN THE BOROUGH OF EXETER OF THE NO-PARKING ZONE; AND

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER KNOWN AS "BOROUGH", IS DESIREOUS OF ESTABLISHING A NO-PARKING ZONE 64' NORTH AND SOUTH FROM THE CENTER LINE OF THE DRIVEWAY LOCATED AT 991-993 WYOMING AVE AND SR 0011.

NOW THERFORE BE AND IT IS HEREBY EN-ACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA AS FOLLOWS:

Section 1:

A no-parking zone will be established from the center line of the driveway at 991-993 Wyoming Avenue, SR 0011 to a distance 64' North and South from the center line of the driveway.

Section 2:

The above-requirements for the establishment of the no-parking zone are the minimum requirements that the Borough has set forth for the no-parking zone and the Borough may choose to extend a no-parking zone in future ordinances through amendment.

Section 3:

The borough of Exeter understands that SR 0011 is a state highway and therefore subject to state highway law.

Section 4:

The Borough of Exeter has established its no-parking zone in conjunction with the recommendations of the Pennsylvania Department of Transportation and in compliance with their recommendations pursuant to the review of the sight triangle performed by members of the Pennsylvania Department of Transportation.

Section 5:

The Borough of Exeter enacts this ordinance out of a concern for safety for its residents and those who travel on the road within the Borough of Exeter. This ordinance should reflect the Borough of Exeter's concern for the safety and well-being for those who travel SR 0011 and those roads which intersect with SR 0011 within the Borough of Exeter.

THIS ORDINANCE SHALL TAKE EFFECT 3-4-2008
ORDAINED AND ENACTED INTO LAW; TH; IS 4 DAY OF

arch 2008

PRESIDENT OF COUNCIL

ARTICLE III

Parking Regulations

5 6	134-13.	Parking prohibited at all times.
7 8 9	Α.	Parking shall be prohibited at all times in the following locations:
10 11		(1) On both sides of Schooley Street.
12 13		(2) On the westerly side of Wyoming Avenue from 1700 Wyoming Avenue to the Borough Line.
14 15 16 17		(3) On Stevens Lane within six hundred ten (610) feet of the intersection of Stevens Lane and Tunkhannock Avenue.
18 19 20 21		(4) The easterly side of Susquehanna Avenue between Schooley Avenue and Valley Street.
21 22 23 24 25	В.	Parking shall be prohibited at all times in designated fire lanes in the parking area of any shopping mall located in the Borough of Exeter.
26 27 28 29 30	с.	Parking shall be prohibited at all times within twenty (20) feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance.
32 33 34 35 36	D.	Parking shall be prohibited from 7:00 o'clock a.m. to 4:00 o'clock p.m. on Monday through Friday on the easterly side of Memorial Street from Pennsylvania Avenue to Saint Anthony's Rectory.
36 37 38 39 40 41	Е.	It shall be unlawful for any person to park, or to allow to remain parked, on any portion of Stevens Lane, any vehicle having a gross weight in excess of ten thousand (10,000) pounds or with more than two (2) axles.
42 43 44 45	F.	Parking shall be prohibited in any designated school zone from 7:00 o'clock a.m. to 4:00 o'clock p.m. on Monday through Friday.
46 47 48 49 50	G.	It shall be unlawful, and a violation of this Section, for any person to park in any reserved parking space, any vehicle unless that vehicle bears or displays either: a "handicapped registration plate", a "handicapped parking placard", a "disabled veteran registration plate", or a
		134-15

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"disabled veteran placard".

134-14. Violations and penalties.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be fined according to Section 6502 of the Pennsylvania Motor Vehicle Code. It shall be the duty of the officers of the Borough to report to the Chief of Police all violations of any provisions of this Article, indicating in each case the section thereof violated, the license number of the vehicle involved in such violation, the location where such violation took place, the time of such violation and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending such violation. police officer making such report shall also attach to every such vehicle a notice that such vehicle was parked in violation of this Article, which notice shall contain instructions to the owner or operator of such vehicle that if he shall report to the Municipal Building and pay, for the use of the Borough, the amount of said fine within forty-eight (48) hours after the time of such notice, the same shall save violator from prosecution before a District Justice including cost of prosecution and fine.

ARTICLE IV Notices of Violation; Payment of Fines

134-15. Violations and fines. Amended /2-3-08

The following motor vehicle violations and fines therefore are hereby established:

Offense	Fine
Parked within intersection	\$10.00
Parking in crosswalk 20 feet from intersection	\$10.00
Parking or stopping left side to curb	\$10.00
Parking away from curb	\$10.00
Parking within 15 feet of fire hydrant	\$10.00
Parking in prohibited zone where designated	
by official signs	\$10.00
Parking in fire station zone	\$10.00
Parking in front of public or private driveway	\$10.00

ORDINANCE	NO.	6	OF	2008

AN ORDINANCE OF EXETER BOROUGH, LUZERNE COUNTY, PENNSYLVANIA AMENDING ARTICLE IV, SECTION 134-15 OF THE EXETER BOROUGH CODE ADOPTED BY THE EXETER BOROUGH COUNCIL

WHEREAS, the Borough of Exeter has previously established Violations and Fines within the Borough of Exeter; and

WHEREAS, the Borough of Exeter is desirous of amending the current Exeter Borough Violations and Fines within the Borough of Exeter; and

WHEREAS, it is the intention of the Council of the Borough of Exeter that from henceforth, the following motor vehicle violations and fines are hereby established:

Parked within intersection Parking in crosswalk 20 feet from intersection Parking or stopping left side to curb Parking away from curb	\$20.00 \$20.00 \$20.00 \$20.00 \$20.00
Parking within 15 feet of fire hydrant	·
Parking in prohibited zone where designated By official signs Parking in fire station zone Parking in front of public or private driveway Parking on sidewalk or tree lawn Parking in fire lane Parking within 30 feet from stop sign Double parking Emergency Parking Ban (Snow) Parking in a handicapped zone	\$20.00 \$20.00 \$20.00 \$20.00 \$20.00 \$20.00 \$20.00 \$25.00 \$50.00

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

The Exeter Borough Code, Article IV, Section 134-15 shall be amended as above set forth.

ENACTED AND ORDAINED this 2 day of 0ecember, 2008 by Exeter Borough Council.

MEMBERS PRESENT: VOTING YES 5 VOTING NO 0

ATTEST:

DEBRA SERBIN

SECRETARY/TREASURER

RICHARD MURAWSKI

CHAIRMAN

EXETER BOROUGH COUNCIL

APPROVED THIS 2 DAY OF Verember, 2008.

MAYOR

ORDINANCE NO. _____ OF 2008

AN ORDINANCE OF EXETER BOROUGH, LUZERNE COUNTY, PENNSYLVANIA AMENDING ARTICLE IV, SECTION 134-15 OF THE EXETER BOROUGH CODE ADOPTED BY THE EXETER BOROUGH COUNCIL

WHEREAS, the Borough of Exeter has previously established Violations and Fines within the Borough of Exeter; and

WHEREAS, the Borough of Exeter is desirous of amending the current Exeter Borough Violations and Fines within the Borough of Exeter; and \cdot

WHEREAS, it is the intention of the Council of the Borough of Exeter that from henceforth, the following motor vehicle violations and fines are hereby established:

Parked within intersection	\$20.00
Parking in crosswalk 20 feet from intersection	\$20.00
Parking or stopping left side to curb	\$20.00
Parking away from curb	\$20.00
Parking within 15 feet of fire hydrant	\$20.00
Parking in prohibited zone where designated	
By official signs	\$20.00
Parking in fire station zone	\$20.00
Parking in front of public or private driveway	\$20.00
Parking on sidewalk or tree lawn	\$20.00
Parking in fire lane	\$20.00
Parking within 30 feet from stop sign	\$20.00
Double parking	\$20.00
Emergency Parking Ban (Snow)	\$25.00
Parking in a handicapped zone	\$50.00

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

The Exeter Borough Code, Article IV, Section 134-15 shall be amended as above set forth.

ENACTED AND ORDAINED this 2 day of 0 ecember, 2008 by Exeter Borough Council.

MEMBERS PRESENT: VOTING YES 5

VOTING NO 0

ATTEST:

DEBRA SERBIN

SECRETARY/TREASURER

RICHARD MURAWSKI

CHAIRMAN

EXETER BOROUGH COUNCIL

APPROVED THIS 2 DAY OF Vicember, 2008

MAYOR

Parking on sidewalk or tree lawn	\$10.00
Parking in fire lane	\$10.00
Parking within 30 feet from stop sign	\$10.00
Double Parking	\$10.00

134-16. Receipt of notice; payment of fine. Amenden 12-2-08

- A. Any person committing any of the offenses indicated above may, upon receipt of a notice of violation indicating the offense and the amount of the fine, appear at the Municipal Building within forty-eight (48) hours of issuance of the notice of violation and pay the amount of the fine indicated. Such payment shall be the equivalent of a plea of guilty and shall save the violator from prosecution and the payment of the costs thereof.
- B. After the expiration of forty-eight (48) hours following the issuance of a notice of violation, but before the commencement of a proceeding to recover penalties therefore, any person having committed an offense indicated in Section 15 of this Chapter above and having received said notice of violation may appear at the Municipal Building and pay fifteen dollars (\$15.00), the same shall save violator from prosecution before a District Justice, including cost of prosecution.

ARTICLE V Interpretation

The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this Chapter, are intended as a continuation of such ordinances and regulations and not as new enactments. The

provisions of this Chapter shall not affect any act done or

liability incurred, nor shall they affect any suit of prosecution

134-17. Provisions to be continuations of existing regulations.

pending or to be instituted to enforce any of these repealed ordinances or regulations.

ARTICLE VI

Restrictions on Operation, Parking and Storage of Commercial Vehicles, School Buses and Truck Tractors

134-18. Definitions.

As used in this Article, unless otherwise stated, the following terms shall have the meanings indicated:

COMMERCIAL VEHICLE - Any vehicle propelled otherwise than by muscular power, including trailers, semi-trailers or other types of vehicles designed to be drawn by a motor vehicle, except such vehicles as fall within the definition of "passenger car" as defined herein.

PASSENGER CAR - A motor vehicle designed for carrying ten (10) passengers or less and primarily used for the transportation of persons.

SCHOOL BUS - Any vehicle used either on a full-time or parttime basis for the transportation of students to or from school or a school-related activity, except such vehicles as fall within the definition of "passenger car" as defined herein.

TRUCK TRACTOR - A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

134-19. Storage of vehicles.

A. Storage in residential districts restricted.

No commercial vehicle with a gross weight exceeding ten thousand (10,000) pounds or with more than two (2) axles, or any truck tractor or school bus as defined in Section 20 of this Chapter above, shall be stored, parked or otherwise kept in any area classified as an R-1, R-2 or R-3 District, as defined in the Zoning Ordinance in effect in the Borough of Exeter, between the hours of 7:00 p.m. and 6:30 a.m.

B. Exceptions.

The restrictions set forth in Section 20A of this Chapter above shall not apply to the following:

(1) Any recreational motor vehicle, camper, tent trailer or similar vehicle.

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1		(2)	Vehicles of the	municipality of Exe	eter.
2 3		(3)	Fire apparatus.		
4 5		(4)	Ambulance.		
6 7 8 9 10 11		(5)	construction or engaged in making	ally engaged in r repair of streets ng deliveries or rend perty located within	or while actually dering services in
12 13 14 15		(6)	discharging stu	s actually engaged idents but only for ifely pick up and dis	a period of time
16 17	c.	Schoo	ol buses.		
18 19 20 21 22		any s	this Chapter abtreet within the	the restrictions set cove, no school bus s Borough of Exeter, afely pick up or disc	shall be parked on at any time except
23 24	134-20.	Certa	in classes of ve	shicles prohibited on	certain highways.
25 26 27 28 29 30	A.	or to any p other	ractor except a passenger vehic	for any person to op passenger vehicle (le drawing any trai any of the followin ough.	but not including ler or towing any
31 32	High	hway		Between	
33 34 35	Pac)	ker Av	enue	Route 11 Extension and Tunkhannock Ave	
36 37	Gran	nt Str	eet	Mason Street and Ce	dar Street
38 39	Linc	coln S	treet	Mason Street and Ce	dar Street
40	Parl	(Lane		Barber Street and T	rayor Street
42 43	Tray	or St	reet	Wyoming Avenue and S	Susquehanna Avenue
44 45	Sull	livan	Street	Wyoming Avenue and S	Susquehanna Avenue
46 47	Firs	st Str	eet	Wyoming Avenue and	Mosier Street
48 49	Jack	cson S	treet	Wilson Street and R	coosevelt Street

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39 40 Exeter Avenue to Stevens Lane

B. Any person who shall violate any provision of this Section shall, upon conviction thereof, be fined according to the Pennsylvania Motor Vehicle Code, Chapter 49.

134-21. Vehicle weight limits established.

Bennett Street

A. It shall be unlawful for any person to operate any motor vehicle or other tractor, trailer or tractor-trailer combination having a gross weight in excess of that herein respectively prescribed upon any of the following highways or portions thereof:

	Maxim	num
Highway	Between Gross W	Veight
Park Lane	entire length	10,000 lbs.
Jackson Street	entire length	10,000 lbs.

B. Any person who shall violate any provision of this Section shall be prosecuted under Section 4902(a) and 4902(g) of the Motor Vehicle Code, upon conviction thereof, be sentenced to pay a fine of seventy-five (\$75.00) dollars plus one hundred fifty (\$150.00) dollars for each five hundred pounds (500) or part thereof, in excess of three thousand pounds (3,000) over the maximum allowable weight and costs.

134-22. Violations and penalties.

Any person or persons, firms or corporations violating any of the provisions of this Article shall, upon summary conviction thereof, be sentenced to pay a fine as prescribed by the Motor Vehicle Code of not more than three hundred dollars (\$300.00).

Miscellaneous Ordinances

The following Ordinances where	e located at the end of the	e Exeter Borough Code of	Ordinances Manual

ORDINANCE

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, PROHIBITING PUBLIC INDECENCY

WHEREAS, the Borough Council of the Borough of Exeter believes that certain lewd, immoral activities carried on in public places for profit are highly detrimental to the public health, safety and welfare, and lead to the debasement of both women and men, promote violence, public intoxication, prostitution and other serious criminal activity; and

WHEREAS, it is deemed to be in the best interests of the residents, citizens, inhabitants and businesses of the Borough of Exeter to establish reasonable and uniform regulations for certain activities hereinafter indicated; and

WHEREAS, the regulation of said activities hereinafter indicated is necessary to protect the health, safety, morals and general welfare of the citizens of the Borough of Exeter; and

WHEREAS, Borough Council is fully aware of and fully respects the fundamental constitutional guarantees of free speech and free expression and realizes that restrictions of such freedoms must be carefully drafted and enforced so that speech and expression are not curtailed beyond the point at which it is essential to further the Borough=s interest in public health, safety and welfare; and

WHEREAS, Borough Council specifically wishes to adopt the concept of the Public Indecency prohibited by the laws of the State of Indiana, which was approved by the U.S. Supreme Court in Barnes v, Glen Theatre, Inc., et al, 501 U.S. 560, 111 S.Ct. 2456 (1991), and by the Ordinance of the City of Erie, Pennsylvania, which was approved by the U.S. Supreme Court in City of Erie v. Pap=s A.M., 529 U.S. 277, 120 S.Ct. 1382 (2000), for the purpose of limiting live nude entertainment within the Borough, which adversely impacts and threatens to impact the public health, safety and welfare by providing an atmosphere conducive to violence, sexual harassment, public intoxication, prostitution, the spread of sexually transmitted diseases and other deleterious effects; and

WHEREAS, the Borough of Exeter will incur financial burdens in regulating and policing the conduct hereinafter described.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Exeter, County of Luzerne, Pennsylvania, as follows: SECTION ONE:

DEFINITIONS.

For the purposes of this Ordinance, the following terms and phrases shall have the meaning given herein: 1.

- Nudity means the showing of the human male or female genital, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering, which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region, or pubic hair region; or the exposure of any device worn as a cover over the nipple and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.
- Public Place includes all outdoor places owned by or open to the general 2. public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquets halls, party rooms or halls limited to specific members, restricted to adult or to patrons invited to attend, whether or not an admission charge is levied.

SECTION TWO:

PUBLIC INDECENCY

The Borough Council hereby declares the following activities to be illegal as hereinafter set forth, and further, that such activities are hereby declared to be and 1.

- A person who knowingly or intentionally, in a public place:
 - Engages in sexual intercourse; a.
 - Engages in deviate sexual intercourse as defined by the b.
 - C. Appears in a state of nudity; or
 - Fondles the genitals of himself, herself or another person commits d. Public Indecency, a Summary Offense.
- 2. The prohibition set forth in subsection 1(c) shall not apply to:

- a. Any child under ten (10) years of age; or
- b. Any individual exposing a breast in the process of breast-feeding an infant under two (2) years of age.

SECTION THREE: VIOLATIONS AND PENALTIES.

- 1. Whoever violates this ordinance, either by commission of a public indecency, or by promotion or maintenance of public indecency as a property owner, proprietor or manager of a business, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than \$300.00, or be imprisoned for not more than 90 days, or both. Each day such violation continues is a separate offense.
- 2. In the event any of the unlawful activities specified herein are conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to (corporate) entity liability, the officers, agents or principals of said deemed in violation of this Ordinance as well as the person or persons engaged in the unlawful activity, and upon conviction thereof, be guilty of a summary offense and days, or both, provided that each violation of any provision of this Ordinance shall be deemed a separate offense.

 3. The unlawful activity and activity and activity and activity and activity and upon the sentenced to pay a fine of not more than 90 deemed a separate offense.
 - The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted and/or continued.
 - 4. In addition to the specific penalties provided in this ordinance, it hereby declared that any building, portion of a building, or enclosed place regularly used for the prohibited display or of public nudity is a public nuisance, subjecting the owner, proprietor or other operator thereof to any abatement of public nuisances, including, but not limited to, the Borough Code and the Code of the Borough of Exeter.

SECTION FOUR: CONSTRUCTION AND SEVERABILITY.

It is the intention of the Borough of Exeter that the provisions of this Ordinance be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this Ordinance. Should a court of competent jurisdiction determine that any part of this Ordinance, or any application or enforcement of it is excessively restrictive of such

rights or liberties, then such portion of the Ordinance shall be severed from the remainder, which shall continue in full force and effect.

SECTION FIVE:

REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

SECTION SIX:

EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE BOROUGH OF EXETER, this 4 day of Gentle

ATTEST:

DEBRA SERBIN

SECRETARY/TREASURER

RICHARD MURAWSKI CHAIRMAN OF COUNCIL

APPROVED THIS _____ DAY OF ______

CERTIFICATION

EXETER BOROUGH ORDINANCE NO. of 2005

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA ESTABLISHING AND ASSESSING A FEE FOR THE ADMINISTRATION OF A BREATHALIZER TEST BY THE EXETER BOROUGH POLICE DEPARTMENT LOCATED AT 1101 WYOMING AVENUE, EXETER, LUZERNE COUNTY, PENNSYLVANIA 18643.

WHEREAS, AN ORDINANCE ESTABLISHING AND ASSESSING A FEE FOR THE ADMINISTRATION AND USE OF EXETER BOROUGH POLICE DEPARTMENT'S EQUIPMENT, MORE SPECIFICALLY, A BREATHALIZER TEST, WILL REQUIRE THE ADMINISTRATION OF A BREATHALIZER TEST BY THE EXETER BOROUGH POLICE DEPARTMENT OFFICIALS, THE DOCUMENTATION OF THE ADMINISTRATION OF THE TEST, PROPER BILLING FOR THE ADMINISTRATION OF THE TEST, AND PROPER COLLECTION OF THE FEES ASSESSED TO THOSE SUBJECTS FOR WHOM THE BREATHALIZER TEST WAS ADMINISTERED.

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH", IS DESIROUS OF ESTABLISHING AND ASSESSING A FEE FOR THE ADMINISTRATION OF A BREATHALIZER TEST AND THE USE OF THE BOROUGH'S EQUIPMENT IN THAT ADMINISTRATION. AND SUCH FEE SHALL BE ASSESSED TO THE SUBJECTS FOR WHOM THE BREATHALIZER TEST IS CONDUCTED ON BY THE POLICE DEPARTMENT.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

THE EXETER BOROUGH POLICE DEPARTMENT WILL ESTABLISH AND ASSESS A FEE OF FIFTY AND 00/100 (\$50.00) DOLLARS TO EVERY INDIVIDUAL WHOM THE EXETER BOROUGH POLICE DEPARTMENT ADMINISTERS A BREATHALIZER TEST TO.

SECTION 2.

IT IS UNDERSTOOD THAT THIS FEE OF FIFTY AND 00/100 (\$50.00) DOLLARS IS CONSISTENT WITH LOCAL, STATE AND FEDERAL LAW AND IS CHARGED FOR THE PURPOSE OF FINANCING THE COST OF MATERIALS TO THE BOROUGH, EDUCATION OF THE OFFICERS, AND TRAINING OF THE POLICE DEPARTMENT FOR THE ADMINISTRATION OF THE BREATHALIZER TEST.

SECTION 3.

THE BOROUGH OF EXETER UNDERSTANDS THAT THIS FEE OF FIFTY AND 00/100 (\$50.00) DOLLARS WILL BE ASSESSED UPON THE INDIVIDUALS WHO ARE ADMINISTERED THE BREATHALIZER TEST AT SAID INDIVIDUAL'S PRELIMINARY HEARING.

SECTION 4.

EXETER BOROUGH POLICE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO ASSESS SUCH FEE TO ANY AND ALL INDIVIDUALS WHOM HAVE BEEN ADMINISTERED THE BREATHALIZER TEST BY THE EXETER BOROUGH POLICE DEPARTMENT WITH THE EXETER BOROUGH POLICE DEPARTMENT EQUIPMENT AND WHO HAVE NOT YET HAD THEIR PRELIMINARY HEARINGS IN SAID INVESTIGATED CASES.

SECTION 5.

THE ESTABLISHED FEE OF FIFTY AND 00/100 (\$50.00) DOLLARS IS A FEE WHICH IS DIRECTLY TRACEABLE BACK TO THE USE AND ADMINISTRATION OF THE BREATHALIZER TEST BY THE EXETER BOROUGH POLICE DEPARTMENT. IF SAID TEST IS NOT CONDUCTED THEN SAID FEE SHALL NOT BE ASSESSED. ADDITIONALLY, THE FEE OF FIFTY AND 00/100 (\$50.00) DOLLARS IS SET AT THE RATE OF FIFTY AND 00/100 (\$50.00) DOLLARS AND CAN ONLY BE AMENDED OR CHANGED BY AND THROUGH A NEW ORDINANCE PASSED BY THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA.

SECTION 6.

THE BOROUGH OF EXETER ENACTS THIS ORDINANCE OUT OF THE CONCERN FOR THE SAFETY OF ITS RESIDENTS AND OUT OF THE NECESSITY OF MAINTAINING PROPER TRAINING AND EDUCATION FOR ITS POLICE DEPARTMENT. ADDITIONALLY, THE EXETER BOROUGH ACKNOWLEDGES THE IMPORTANCE OF THE MODERNIZATION OF MATERIALS FOR BREATHALIZER TESTING.

SECTION 7.

THE EXETER BOROUGH COUNCIL WILL OUTLINE THE METHOD OF THE BILLING SYSTEM THROUGH ITS ADMINISTRATIVE POLICY MAKING. HOWEVER, THIS ORDINANCE SHOULD REFLECT THAT THE BOROUGH OF EXETER DOES DIRECT THE BOROUGH POLICE DEPARTMENT TO ASSESS THIS FEE AT THE TIME OF THE PRELIMINARY HEARING HELD FOR ANY INDIVIDUAL WHO IS SUBJECT TO THIS FEE.

SECTION 8.

FAILURE FOR ANY INDIVIDUAL TO COMPLY WITH THE PAYMENT OF THE ASSESSED FEE FOR THE ADMINISTRATION AND USE OF THE EXETER BOROUGH POLICE DEPARTMENT BREATHALIZER TEST WILL RESULT IN THAT INDIVIDUAL BEING HELD IN THE VIOLATION OF THE EXETER BOROUGH ORDINANCE. THESE INDIVIDUALS WILL BE SUBJECT TO ALL NECESSARY COLLECTION METHODS INCLUDING BUT NOT LIMITED TO REPORTS TO COLLECTION AGENCIES AND REPORTS ON CREDIT REPORTING.
ADDITIONALLY, THE INDIVIDUALS WILL BE SUBJECT TO ADDITIONAL FEES AND FINES FOR THEIR FAILURE TO PAY THE LAWFULLY ASSESSED AMOUNT OF FIFTY AND 00/100 (\$50.00) DOLLARS UPON THE TIME OF THEIR PRELIMINARY HEARING.

SECTION 9.

ALL FEES COLLECTED SHALL BE PLACED IN THE GENERAL FUND OF EXETER BOROUGH AND SHALL BE USED AND/OR BUDGETED BY THE EXETER BOROUGH COUNCIL FOR ANY LAWFUL PURPOSE.

THIS ORDINANCE SHALL TAKE EFFECT October 4th, 2005.

ORDAINED AND ENACTED INTO LAW THIS 4th DAY OF Oct., 2005.

ATTEST:

EXETER BOROUGH COUNCIL

DODOUCH CECDETARY

PRESIDENT OF COUNCIL

APPROVED THIS

4th of October.

MAYOR

Excluded Chapters:

Chapter 64: Flood Plan District

Chapter 115: Sewers

Chapter 116: Wastewater Collection and Treatment System

Chapter 122: Taxation

PLEASE VISIT THE EXETER BOROUGH BUILDING FOR INFORMATION REGARDING THE ABOVE ORDINANCES.