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1996 CODE OF ORDINANCES

TOWNSHIP OF LAPLUME

LACKAWANNA COUNTY, PENNSYLVANIA

NO. 2 OF 1996

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

ORDINANCE No. 2 OF 1996

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE TOWNSHIP OF LAPLUME, PENNSYLVANIA; ESTABLISHING THE SAME; REENACTING CERTAIN ORDINANCES WITHOUT CHANGE AND MAKING AMENDMENTS TO: CHANGE THE ENFORCEMENT OFFICER UNDER THE FLOOD PLAIN MANAGEMENT SUBCHAPTER FROM THE BUILDING PERMIT OFFICER TO THE TOWNSHIP ZONING OFFICER; CHANGE THE TIME FOR COMPENSATION OF SUPERVISORS FROM MONTHLY TO QUARTERLY; INCREASING THE ANNUAL JUNK YARD AND DUMP LICENSE FEES FROM \$100 TO \$1,000 AND INCREASING THE FINE FOR VIOLATIONS FROM \$25 TO \$100; IMPOSING THE DUTY TO ADMINISTER STREET ENCROACHMENTS AND ROAD CUTS ON THE TOWNSHIP ROADMASTER AND INCREASING THE ROAD CUT FEES FROM \$10 TO \$20; AND INCREASING THE FINES FOR VIOLATION OF THE PARKING SUBCHAPTER; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be it Ordained by the Board of Supervisors of the Township of LaPlume, and it is Hereby Ordained by the Authority of the Same as follows:

Section 1. The Code of Ordinances, consisting of Chapters 1 through 17, inclusive, hereinafter set forth and as delineated on the Table of Contents attached hereto and made a part hereof, is hereby adopted and enacted as the "1996 Code of Ordinances, Township of LaPlume, Pennsylvania" (hereinafter referred to as the "1996 Code"), and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all general and permanent ordinances of the Township of LaPlume adopted on or before December 31, 1995, to the extent provided in Section 2 hereof.

Section 2. All provisions of the Code shall be in full force and effect from and after the 17th day of September, 1996, and all ordinances of a general and permanent nature of the Township of LaPlume, adopted on or before December 31, 1995, and not included in the Code or recognized and continued in force by reference therein, are hereby repealed from and after the 17th day of September, 1996, except for:

- a. any ordinance, establishing, naming, relocating or vacating any street, road, alley or other public way;
- b. any right, license or franchise conferred by any ordinance or resolution on any person, entity or corporation;

- c. any ordinance or part hereof providing for the establishment of salaries or compensation for Township Supervisors;
- d. any ordinance levying or imposing taxes or assessments; or
- e. any ordinance establishing or changing the boundaries of the Township of LaPlume;

all of which shall remain in full force and effect.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Ordinance.

Section 4. Unless another penalty is expressly provided, a violation of any provision of the Code, or any provision of any rule or regulation adopted or issued pursuant thereto, shall be punished by a fine of not more than Six Hundred Dollars (\$600.00) and costs of prosecution, or in default of payment by imprisonment for not more than thirty (30) days.

Section 5. Any and all additions and amendments to the Code, when passed in such form as to indicate the intention of the Board of Supervisors to make the same a part of the Code, shall be deemed to be incorporated in the Code so that reference to the "Code of Ordinances, Township of LaPlume, Pennsylvania," shall be understood and intended to include such additions and amendments.

Section 6. In case of the amendment of any section of the Code for which a penalty is not provided, the general penalty as provided in Section 4 of this Ordinance shall apply to the section as amended, or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. A copy of the Code shall be kept on file in the office of the Secretary of the Township preserved in looseleaf form, or in such other form as the Secretary of the Township may consider expedient. It shall be the express duty of the Secretary of the Township to insert in their designated places all amendments or ordinances which indicate the intention of the Board of Supervisors to make the same a part of the Code, when the same have been printed or reprinted in page form, and to extract from the Code all provisions which from time to time may be repealed by the Board of Supervisors. This copy of the Code shall be available for all persons desiring to examine the same.

Section 8. Appended to the Code, at the appropriate and relevant places, are certain resolutions, agreements and forms, which are intended for information only and which do not have the force and effect of ordinances. Such resolutions, agreements and forms are subject to change and amendment from time to time by appropriate action of

the Board of Supervisors of the Township. Upon current enactment, the following resolutions, agreements and forms are attached hereto for such informational purposes:

Chapter 2 - Subchapter A - Flood Plain Management:

Application for Building Permit  
Building Permit  
Application for Special Permit

Chapter 7 - Junk and Junk Yards

~~Application for Junk Yard License and License~~

Chapter 11 - Subchapter A - Use of Public Streets

Application for Street Encroachment Permit and Permit

Chapter 11 - Subchapter B - Road Cuts

Application for Road Cut Permit  
Road Cut Permit

Chapter 12 - Subdivision and Land Development

Preliminary Application Subdivision/Land Development  
Application for Final Subdivision Approval

Chapter 14 - Subchapter A - Parking Regulations

Parking Ticket

Chapter 15 - Subchapter B - Connection Ordinance

Cooperation Agreement with Dalton Sewer Authority  
Resolution A of 1991

Chapter 17 - Zoning

Application for Zoning Permit  
Application for Hearing Zoning Hearing Board  
Occupancy Permit  
Non-Conforming Use Registration  
Application for Permit—Airport Hazard Area

Section 9. It shall be unlawful for any person to change or amend, by additions or deletions, any part of or portion thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the laws of the Township of LaPlume to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 4 of this Ordinance.

Section 10. This Ordinance shall become effective on the 17th day of September, 1996.

Section 11. This Ordinance is enacted by the Board of Supervisors of the Township of LaPlume under the authority of the Second Class Township Code and any other applicable law arising under the laws of the State of Pennsylvania.

Enacted and Ordained this 12th day of September, 1996.

ATTEST:

Shirley Lewis (Corp.)  
(Seal)  
Secretary

BOARD OF SUPERVISORS

By: Thomas Robinson  
Chairman  
Bruce Van Fleet

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Chapter 1

**AIR POLLUTION PREVENTION AND CONTROL (Reserved)**

Chapter 1

**AIR POLLUTION PREVENTION AND CONTROL**

Subchapter A - Open Burning (Reserved)

## Chapter 2

### **BUILDING AND BUILDING REGULATIONS**

#### Subchapter A - Flood Plain Management

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby reenact and ordain an Ordinance requiring all persons, partnerships, businesses and corporations to obtain a building permit for any construction or development; providing for the issuance of such building permits; setting forth certain minimum requirements for new construction and development within areas of the Township of LaPlume which are subject to flooding; making provisions for establishment of one hundred (100) year flood elevations, setting forth revised general technical requirements; prohibiting the expansion of existing structures which would increase the one hundred (100) year flood elevation; denying variances which would increase the 100 year flood elevation; providing new definitions used in the ordinance, and establishing penalties for any persons who fail, or refuse to comply with, the requirements or provisions of this ordinance, as follows:

#### Article 1

##### **General Obligations**

- 2-A-1-1. Intent. The intent of this Ordinance is to:
- a. Promote the general health, welfare and safety of the community.
  - b. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  - c. Minimize danger to public health by protecting water supply and natural drainage.
  - d. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
- 2-A-1-2. Applicability.
- a. It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any construction or development anywhere within the Township of LaPlume (hereinafter the "Township"), unless a Building Permit has been obtained from the Township's Zoning Officer.
  - b. A Building Permit shall not be required for minor repairs to existing buildings or structures.
- 2-A-1-3. Abrogation and Greater Restrictions. This Ordinance supersedes any other conflicting provisions which may be in effect in identified

floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

2-A-1-4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

2-A-1-5. Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas, will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

## Article 2

### **Administration**

2-A-2-1. Building Permits Required. A Building Permit shall be required before any construction or development is undertaken within any area of the Township.

2-A-2-2. Issuance of Building Permit.

- a. The Zoning Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- b. Prior to the issuance of any building permit the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits required by State and Federal laws have been obtained, including, but not limited to, the Pennsylvania Sewage Facilities Act (Act 1966-535, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended) and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

- c. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.
- d. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

2-A-2-3. Application Procedures and Requirements.

- a. Application for such a building permit shall be made, in writing, to the Zoning Officer on forms supplied by the Township. Such application shall contain the following:
  - (1) Name and address of applicant.
  - (2) Name and address of owner of land on which proposed construction is to occur.
  - (3) Name and address of contractor.
  - (4) Site location.
  - (5) Listing of other permits required.
  - (6) Brief description of proposed work and estimated cost.
  - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- b. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
  - (1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

- (3) adequate damage is provided so as to reduce exposure to flood hazards.
- c. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in subsection d.(5) of this Section 2-A-2-3 as may be required by the Zoning Officer to make the above determination:
- (1) A completed Building Permit Application Form.
  - (2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - (a) north arrow, scale and date;
    - (b) topographic contour lines, if available;
    - (c) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - (d) the location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development;
    - (e) the location of all existing streets, drives and other accessways; and
    - (f) the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
    - (a) the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
    - (b) the elevation of the one hundred (100) year flood;
    - (c) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and

other factors associated with a one hundred (100) year flood; and

- (d) detailed information concerning any proposed floodproofing measures.

(4) The following data and documentation:

- (a) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

- (b) detailed information needed to determine compliance with Section 2-A-4-2.f., Storage, below and Section 2-A-4-3, Development Which May Endanger Human Life, below including:

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- i) the amount, location and purpose of any materials or substance referred to in Section 2-A-4-2.f. and Section 2-A-4-3 which are intended to be used, produced, stored or otherwise maintained on site.

- ii) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances list in Section 2-A-4-3 during a one hundred (100) year flood.

- (c) the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development."

- (d) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

d. Applicants for Special Permits, required by Article 5 hereinafter set forth, shall provide five copies of the following items:

- (1) A written request including a completed Building Permit Application Form.
- (2) A small scale map showing the vicinity in which the proposed site is located.
- (3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - (a) north arrow, scale and date;
  - (b) topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
  - (c) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - (d) the location of all existing streets, drives, other accessways and parking areas, with information concerning widths, pavement types and construction and elevations;
  - (e) the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - (f) the location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
  - (g) the location of all proposed buildings, structures, utilities and any other improvements; and
  - (h) any other information which the Township considers necessary for adequate review of the application.
- (4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:



- (a) sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate;
- (b) for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
- (c) complete information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one hundred (100) year flood;
- (d) detailed information concerning any proposed floodproofing measures;
- (e) cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;
- (f) profile drawings for all proposed streets, drives and vehicular accessways including existing and proposed grades; and
- (g) plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.

(5) The following data and documentation:

- (a) certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
- (b) certification from a registered professional engineer, architect or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
- (c) a statement, certified by a registered professional engineer, architect, landscape architect or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;

- (d) a statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
- (e) a statement, certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
- (f) the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";
- (g) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources to implement and maintain erosion and sedimentation control;
- (h) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
- (i) an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

2-A-2-4. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

2-A-2-5. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.

2-A-2-6. Changes. After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing, and shall be submitted by applicant to the Zoning Officer for consideration.

2-A-2-7. Placards. In addition to the building permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in process. This placard shall show the number of the building permit, the date of its issuance and be signed by the Zoning Officer.

2-A-2-8. Start of Construction.

- a. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
- b. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

2-A-2-9. Inspection and Revocation.

- a. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township ordinances. He shall make as many inspections, during and upon completion of the work, as are necessary for such determination.
- b. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
- c. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or

misrepresentation by any applicant, the Zoning Officer shall revoke the building permit and report such fact to the Board of Supervisors of the Township for whatever action it considers necessary.

- d. A record of all such inspections and violations of this Ordinance shall be maintained.

2-A-2-10. Fees. Applications for building permits shall be accompanied by a fee, payable to the Township, based upon the estimated cost of the proposed construction, as determined by the Zoning Officer, at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$500.00	\$0.00
\$501.00 to \$1,000.00	\$15.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	\$1.00

2-A-2-11. Enforcement.

- a. Notices: Whenever the Zoning Officer or any other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall give notice of such ~~alleged violation as hereinafter provided~~. Such notice shall:
  - (1) be in writing;
  - (2) include a statement of the reasons for its issuance;
  - (3) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
  - (4) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of the Commonwealth of Pennsylvania; and
  - (5) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- b. Penalties: Any person who fails to comply with any or all of the requirements or provisions of this Ordinance, or who fails or

refuses to comply with any notice, order or direction of the Zoning Officer or any other authorized employee of the municipality, shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than Fifty Dollars (\$50.00) nor more than Six Hundred Dollars (\$600.00), plus costs of prosecution. In default of such payment, such person shall be imprisoned in the County Prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties, all other remedies are hereby reserved to the Township including an action in equity for the enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time. Any development initiated, or any structure or building constructed, reconstructed, enlarged, altered or relocated, which is not in compliance with this Ordinance may be declared by the Board of Supervisors of the Township to be a public nuisance and abatable as such.

2-A-2-12. Appeals.

- a. Any person aggrieved by an action or decision of the Zoning Officer concerning the administration of the provisions of this Ordinance may appeal to the Board of Supervisors of the Township. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Zoning Officer.
- b. Upon receipt of such appeal, the Board of Supervisors of the Township shall set a time and place, within a period of not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- c. Any person aggrieved by any decision of the Board of Supervisors of the Township may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

Article 3

**Identification of Floodplain Areas**

- 2-A-3-1. Identification. The identified floodplain area shall be any area of the Township of LaPlume, subject to a one hundred (100) year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Hazard Boundary Map (FHBM) as issued by the Federal Insurance Administration dated September 3, 1982.

2-A-3-2. Determination of the One Hundred (100) Flood Elevation.

- a. For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- b. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic engineering analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, and similar data shall be submitted in sufficient detail to allow a thorough technical review by the Township.

2-A-3-3. Changes in Identification of Area. The identified floodplain area may be revised or modified by the Board of Supervisors of the Township where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

2-A-3-4. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors of the Township. The burden of proof shall be on the appellant.

**Article 4**

**General Technical Requirements**

2-A-4-1. General Technical Requirements.

- a. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.
- b. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a

permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

- c. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved residential structure shall be one and one-half (1-1/2) feet or more above the one hundred (100) year flood elevation.
- d. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or substantially improved non-residential structure shall be one and one-half (1-1/2) feet or more above the one hundred (100) year flood elevation or be flood-proofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor (including basement) which is not elevated to at least one and one-half (1-1/2) feet above the one hundred (100) flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

- e. Within any floodway area, no new construction or development shall be permitted which would cause any increase in the one hundred (100) year flood elevation.
- f. Enclosed areas below the lowest floor (including basement) are prohibited.

2-A-4-2. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- a. Fill: If fill is used, it shall:
  - (1) extend laterally at least fifteen (15) feet beyond the building line from all points;
  - (2) consist of soil or small rock materials only. Sanitary Landfills shall not be permitted;
  - (3) be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

- (4) be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes, are submitted to, and approved by, the Building Permit Officer; and,
  - (5) Be used to the extent to which it does not adversely affect adjacent properties.
- b. Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- c. Water and Sanitary Sewer Facilities and Systems:
- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- d. Other Utilities: All other utilities such as gas lines and electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- e. Streets: The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- f. Storage: All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life, and not listed in Section 2-A-4-3, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.
- g. Placement of Buildings and Structures: All buildings and structures shall be designed, located and constructed so as to offer



the minimum obstruction to the flow of water and shall be designed to have the minimum effect upon the flow and height of flood water.

h. Anchoring:

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
- (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

i. Floors, Walls and Ceilings:

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- (4) Windows, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

j. Paints and Adhesives:

- (1) Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) All wooden components (doors, trim cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

- k. Electrical Components:
  - (1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
  - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- l. Equipment: Water heaters, furnaces, air conditioning and ventilating units and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- m. Fuel Supply Systems: All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

2-A-4-3. Development Which May Endanger Human Life.

- a. In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Department of Community Affairs of the Commonwealth as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:
  - (1) Acetone
  - (2) Ammonia
  - (3) Benzene
  - (4) Calcium carbide
  - (5) Carbon disulfide
  - (6) Celluloid
  - (7) Chlorine
  - (8) Hydrochloric acid
  - (9) Hydrocyanic acid
  - (10) Magnesium
  - (11) Nitric acid and oxides of nitrogen
  - (12) Petroleum products (gasoline, fuel oil, etc.)
  - (13) Phosphorus
  - (14) Potassium
  - (15) Sodium
  - (16) Sulphur and sulphur products

- (17) Pesticides (including insecticides, fungicides and rodenticides)
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

- b. Within any identified floodplain area, any new or substantially improved structure of the kind described in subparagraph a. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- c. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in subparagraph a., above, shall be:
  - (1) elevated or designed and constructed to remain completely dry up to at least one and one-half (1-1/2) feet above the one hundred (100) year flood, and
  - (2) designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

2-A-4-4. Special Requirements for Manufactured Homes.

- a. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:
  - (1) placed on a permanent foundation;
  - (2) elevated so that the lowest floor of the manufactured home is one and one-half (1-1/2) feet or more above the hundred year (100) flood elevation; and
  - (3) anchored to resist flotation, collapse, or lateral movement.
- b. Within any identified floodway area, all manufactured homes and any addition thereto shall be prohibited.

## Article 5

### Activities Requiring Special Permits

- 2-A-5-1. General. In accordance with the administrative regulations promulgated by the Department of Community Affairs to implement the Pennsylvania Flood Plain Management Act (Act 1978-166), the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a Special Permit is issued:
- a. hospitals (public or private)
  - b. nursing homes (public or private)
  - c. jails or prisons
  - d. new mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks.
- 2-A-5-2. Application Review Procedures. Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Article 2, Administration:
- a. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer, when required, for review and comment.
  - b. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.
  - c. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
  - d. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, or any other state agency to which its functions are delegated, by certified mail, within five (5) working days after the date of approval.
  - e. Before issuing the Special Permit, the Township shall allow the Department of Community Affairs, or any other state agency to which its functions are delegated, thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.

- f. If the Township does not receive any communication from the Department of Community Affairs, or any other state agency to which its functions are delegated, during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- g. If the Department of Community Affairs, or any other state agency to which its functions are delegated, should decide to disapprove an application, it shall notify the Township, and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

2-A-5-3. Special Technical Requirements.

- a. In addition to the requirements of Article 4 of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Article 4 of this Ordinance or in any other code, ordinance or regulation, the more restrictive provision shall apply.
- b. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
    - (a) the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;
    - (b) the lowers floor elevation will be at least one and one-half (1-1/2) feet above the one hundred (100) year flood elevation; and
    - (c) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
  - (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications,

who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses and computations shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs, or any other state agency to which its functions are delegated.

## Article 6

### **Existing Structures in Identified Floodplain Areas**

#### 2-A-6-1. General.

- a. Structures existing in any identified floodplain area prior to the enactment of this Ordinance may continue to remain, provided that any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty percent (50%) or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance, including receipt of an appropriate Building Permit.
- b. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

## Article 7

### **Variances**

2-A-7-1. General. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

2-A-7-2. Variance Procedures and Conditions. Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 2-A-2-12, above, and the following:

- a. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Article 5) or to Development Which May Endanger Human Life (Section 2-A-4-3).
- b. If granted, a variance shall involve only the least modification necessary to provide relief.
- c. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in

order to protect the public health, safety and welfare and to achieve the objectives of this Ordinance.

- d. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - (1) the granting of the variance may result in increased premium rates for flood insurance; and
  - (2) such variances may increase the risks to life and property.
- e. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
  - (1) that there is good and sufficient cause.
  - (2) that failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) that the granting of the variance will:
    - (a) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense;
    - (b) nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable state or local ordinances and regulations.
- f. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting a one hundred (100) year flood.

No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

- 2-A-7-3. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

## Article 8

### **Definitions**

- 2-A-8-1. General. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.
- 2-A-8-2. Specific Definitions.
- a. Accessory use or structure: a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
  - b. Basement: any area of the building having its floor subgrade (below ground level) on all sides.
  - c. Building: a combination of materials to form a permanent structure having walls and a roof. Included shall be manufactured homes and trailers to be used for human habitation.
  - d. Construction: the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactures homes.
  - e. Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.
  - f. Flood: a temporary inundation of normally dry land areas.
  - g. Floodplain area: a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
  - h. Flood-proofing: means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
  - i. Floodway: the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.



- j. Minor repair: the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.
- k. Manufactured homes: a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days.
- l. Manufactured home park: a parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- m. Obstruction: any wall, dam, wharf, embankment, levee, dike, pike abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of water might carry the same downstream to the damage of life and property.
- n. One hundred year flood: a flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one percent (1%) chance of occurring each year, although the flood may occur in any year).
- o. Regulatory flood elevation: the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1-1/2) feet.
- p. Special permit: special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks or subdivision and substantial improvements to such existing

manufactured home parks or subdivision when such development is located partly or entirely within a designated flood plain.

- q. Structure: anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes or other similar items.
- r. Subdivision: the division or redivision of a lot, tract, or parcel of ~~land by any~~ means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer or ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels or more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.
- s. Substantial Improvement: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.
- t. For the purposes of floodplain management, the words "mobile home" or "mobile home park" shall be replaced with the words "manufactured home" and "manufactured home park" within any delineated floodplain area.

FORMS

Required by Chapter 2

Building and Building Permit Regulations



5. Address and location of proposed site: \_\_\_\_\_  
Street or Road

\_\_\_\_\_  
Nearest Intersection (with distance  
in feet and direction)

6. Description of proposed work: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Attach additional sheets if necessary)

a. Estimated Costs: \$ \_\_\_\_\_

7. Attach site plan, indicating exact size and location of all existing and proposed buildings and structures, with all data and information required by §2-2-3(c) of the Code.

8. Is any portion of the site in a designated floodplain area?  
( ) Yes ( ) No

If yes, outline the floodplain area on the attached site plan and include the data and information required by §2-2-3(b) of the Code.

9. Attached to this Application is the fee required by §2-2-10 of the Code in the sum of \$ \_\_\_\_\_.

Dated: \_\_\_\_\_

Applicant(s):

\_\_\_\_\_  
Signature(s)

*For Use by Zoning Officer Only*

**Action of Zoning Officer**

The Application for a Building Permit dated \_\_\_\_\_,  
as above set forth, is:

( ) approved and Building Permit No. \_\_\_\_\_ is hereby granted;

( ) disapproved for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Additional sheets numbered \_\_\_\_\_ to \_\_\_\_\_ are attached and included as the reason(s) for disapproval.)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Officer  
Township of LaPlume

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA  
**BUILDING PERMIT**  
**FLOOD PLAIN MANAGEMENT**

Permit No. \_\_\_\_\_ Dated \_\_\_\_\_

A Building Permit for the ( ) construction ( ) alteration of a structure,  
described as follows, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

has been granted to \_\_\_\_\_  
(Applicant(s))

for Premises located at \_\_\_\_\_  
\_\_\_\_\_

LaPlume Township, Lackawanna County, Pennsylvania.

( ) Special Permit No. \_\_\_\_\_ for the following construction has  
also been granted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This Permit shall be protected from weather or other deterioration and prominently  
and visibly displayed on the Premises at all times when any construction activity is  
taking place or pending completion.**

\_\_\_\_\_  
Zoning Officer  
Township of LaPlume  
Lackawanna County, Pennsylvania

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

APPLICATION FOR SPECIAL PERMIT  
FLOOD PLAIN MANAGEMENT

Application No. \_\_\_\_\_

The undersigned Applicant(s) hereby apply for a Special Permit pursuant to Article 5 of Chapter 2, Building and Building Regulations, of the Township Code of Ordinances (the "Code"). This application, with all supporting documents, is submitted in six (6) copies.

1. This application is submitted in conjunction with Application No. \_\_\_\_\_ for a Building Permit, the data in which is included herein by reference.

2. Attached hereto are the maps, site plan, delineation of all proposed buildings, certifications and statements and other requirements set forth in §2-2-3 of the Code.

3. A Special Permit is required because the following activity is proposed (check applicable activity):

<input type="checkbox"/>	Hospital	<input type="checkbox"/>	Nursing Home
<input type="checkbox"/>	Public	<input type="checkbox"/>	Public
<input type="checkbox"/>	Private	<input type="checkbox"/>	Private

Jail or Prison

Mobile Home Park or Mobile Home Subdivision

New

Substantial Improvement to existing park

4. Attached is the data showing compliance with §2-5-3 of the Code.

5.  No dangerous materials or substances delineated in §2-4-3 of the Code will be produced or stored on the Premises.

A list of the dangerous materials or substances delineated in §2-4-3 of the Code is attached hereto as an Exhibit.

Dated: \_\_\_\_\_

Applicant

Type or Print Name(s)

\_\_\_\_\_

\_\_\_\_\_

Signature(s)

\_\_\_\_\_



*For Use by Zoning Officer Only*

**Action of Zoning Officer**

The Application for a Special Permit dated \_\_\_\_\_,  
as above set forth, is:

(     )     approved and Special Permit No. \_\_\_\_\_ is granted;

(     )     disapproved for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Additional sheets numbered \_\_\_\_\_ to \_\_\_\_\_ are attached and  
included as the reason(s) for disapproval.)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Officer  
Township of LaPlume

Chapter 3

**COMPENSATION OF SUPERVISORS**

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance establishing Compensation for the Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania at the rate of \$75.00 per meeting and limiting the number of compensated meetings to 20 per year, as follows:

- 3-1. Recitals.
- a. WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted Action 68 of 1985 setting forth certain guidelines and limitations for the compensation of supervisors of townships of the second class; and
  - b. WHEREAS, said Act provides that supervisors of townships having a population of zero to 4,999 shall be compensated in an amount not to exceed \$1,500.00 per year; and
  - c. WHEREAS, the population of LaPlume Township is less than 4,999; and
  - d. WHEREAS, the General Assembly by said Action 68 authorizes the boards of supervisors of various townships of the second class to determine the compensation of supervisors subject to the limitations set forth in the Act; and
  - e. WHEREAS, it is the intention of the Board of Supervisors of LaPlume Township to set compensation for supervisors on a per meeting basis and within the limitations of Act 68;
- 3-2. This Ordinance is a reenactment of the Ordinance of the Township enacted December 28, 1995, and as such applies to Supervisors elected or appointed to office on or after that date.
- 3-3. Each Supervisor of the Township of LaPlume, elected or appointed to office on or after November 7, 1995, shall receive compensation for attending duly advertised general or special public meetings of the Board of Supervisors, or such other meetings authorized by the Board of Supervisors, at the rate of \$75.00 for each meeting attended by such Supervisor, not to exceed \$1,500.00 per year.
- 3-4. No Supervisor shall receive annual compensation under this Ordinance in excess of the annual statutory limit set by the General Assembly in Act 68 for supervisors of townships within the appropriate population category.
- 3-5. No Supervisor shall be compensated for attending any meetings of the Board of Supervisors in excess of 20 meetings per year; such absences of

compensation shall not negate or in any way affect such Supervisor's duty or obligation to attend such uncompensated meetings.

3-6. Such compensation shall be paid in quarterly installments.

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Chapter 4

**EMERGENCY PLANNING (Reserved)**

Chapter 5

**FIRE PREVENTION AND PROTECTION (Reserved)**

## Chapter 6

### **GARBAGE AND REFUSE**

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance to provide for the public health and sanitation in the Township of LaPlume; to provide for the collection and disposal of garbage and other refuse material; to impose joint and several liability for violations of this Ordinance on the record owners, lessors and occupants of real property in the Township of LaPlume; and to provide for penalties for the violation of this Ordinance, as follows:

- 6-1. No person, corporation or other entity shall cause or permit garbage or refuse material to be stored or accumulated at any location in the Township of LaPlume for a period of longer than one week. Each person, corporation or other entity which produces, causes to produce or permits to be produced, any garbage or refuse material within the Township of LaPlume shall store the same, until proper disposition thereof can be achieved, in metal or equivalent cans or receptacles which shall be water tight and fitted with tight closing covers.
- 6-2. For the purpose of this Ordinance, the word "garbage" shall include such matter as animal or vegetable refuse and the containers and packaging thereof, arising from storage, vending, sale, preparation or use of foodstuffs such as meats, fish, fruits or vegetables and similar matter; the words "refuse material" shall include household trash, the ashes remaining and resulting from the burning of coal or wood and paper products.
- 6-3. All garbage and refuse material accumulated at any location within the geographical limits of the Township of LaPlume shall be collected, removed and disposed of at a garbage dumping or landfill site approved by the Pennsylvania Department of Environmental Resources no less frequently than on a weekly basis.
- 6-4. The collection, removal and disposing of garbage and refuse material shall be accomplished by responsible private collectors, utilizing motor driven vehicles equipped with water tight beds, in such a manner as to assure general sanitation through the entire process and operation thereof. The storage and hauling of such garbage or refuse material shall be accomplished only in conveyances and receptacles so constructed as to prevent the same from spilling, dripping or otherwise falling upon any walk, street, road, highway, alley or way.
- 6-5. No person, corporation or other entity shall accumulate and store any garbage or refuse material produced on or at any property in the Township of LaPlume other than on or at the property where such garbage or refuse material is produced.
- 6-6. No garbage or refuse material shall be allowed to accumulate on the ground nor be deposited on any highways, streets, roads, walks, alleys,

ways, vacant lots, commons or streams located within the Township of LaPlume.

- 6-7. Each occupant of property in the Township of LaPlume and each record owner of such property shall be jointly, severally and individually responsible for compliance with the terms hereof and each shall be liable for any violation of any of the provisions of this Ordinance. Any Lessor of real estate in the Township of LaPlume shall ensure that each Tenant of such Lessor complies with the provisions hereof, and such Lessor shall be personally liable for any violations hereof. The primary obligation to prevent the unlawful accumulation of garbage or refuse material in the Township of LaPlume is hereby imposed upon the record owner of the location of such accumulation; provided however, that nothing herein shall insulate any occupant of such property from liability for such violation.
- 6-8. The unlawful accumulation of garbage or refuse material in violation of the terms hereof is hereby declared to be a public nuisance and shall be subject to injunctive remedy, in addition to any other remedies or penalties herein provided.
- 6-9. Any person, corporation or entity violating, or permitting the violation of, any provision of this Ordinance, or any Lessor who permits any such violation to occur by any Tenant of such Lessor, shall, upon conviction thereof by summary proceedings before a District Magistrate having jurisdiction in the Township, be subject to a fine of not more than Six Hundred Dollars (\$600.00), and in default of the payment thereof, to imprisonment for a period not exceeding ten (10) days. Each day on which an accumulation of garbage or refuse material is permitted to accumulate in violation hereof shall constitute a separate violation of this Ordinance.

Chapter 7

**JUNK AND JUNK YARDS**

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance providing for the licensing and regulation of junk yards and dumps within the limits of the Township of LaPlume, Lackawanna County, Pennsylvania, providing for the granting of licenses; and providing penalties for violation of the provisions thereof, as follows:

- 7-1. It shall be unlawful for any person to keep or maintain any junk yard or dump, as herein defined, within the limits of the Township of LaPlume unless a license therefor shall have previously been obtained as hereinafter provided.
- 7-2. A license to keep or maintain any junk yard or dump as aforesaid shall be granted only by the Secretary of the Board of Supervisors and shall be for a period of one (1) calendar year or any fractional part thereof. Every person, company or corporation keeping, maintaining or operating a junk yard or dump shall file with the Secretary of the Board of Supervisors an application for license, which application shall contain (1) the name and address of the applicant, (2) the particular place for which the license is desired and the size of the area, and (3) the name of the owner or owners of the premises, with the written permission of such owner or owners if the same are not the applicant for the license.
- 7-3. Junk yards defined: Junk yards shall consist of buildings, structures, lands and premises where junk (as defined in the following paragraph), waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars held for sale in operating condition and not for the purpose of being sold for scrap or salvage.
- 7-4. Junk defined: Junk shall be deemed to include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc, and all other scrap metals and their alloys, and bones, rags, paper, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used plumbing, heating and other fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires, used automobiles, not currently licensed by the Commonwealth of Pennsylvania, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.
- 7-5. Dumps defined: Dumps shall consist of any buildings, structures, lands or premises where any garbage, ashes, waste paper, tin cans, bottles, rages, bones, scrap metal or other cast off and discarded rubbish, debris



or other substance or similar material of any kind is collected, stored, piled or allowed to accumulate.

- 7-6. No junk yard or dump shall be kept, maintained or operated within the meaning of this ordinance, except in accordance with the following regulations:
- a. All outdoor storage facilities shall be enclosed by a substantial non-transparent enclosure, not less than eight feet, nor more than ten feet high. Said enclosure shall be at all times painted and maintained in good repair and order. Such walls and fences shall be distant not less than fifty feet from any abutting property lines, or any street or road.
  - b. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
  - c. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
  - d. Any junk placed in any junk yard or garbage, ashes, refuse, trash or waste materials placed in any dump, shall be piled so as to remain within the enclosure, and shall not be piled higher than the height of the enclosure (except for a temporary period which shall not exceed seven (7) days).
  - e. It shall be unlawful to burn in any junk yard or dump any refuse or junk, including rubber tires, batteries and rubber from wires or any type of junk or old used automobiles, garbage, trash, debris or other substance which may cause noxious fumes or odors injurious to the health and welfare of adjoining residents.
- 7-7. All garbage, trash, debris or other material deposited on any duly licensed dump shall be adequately covered over with earth fill so as to prevent the same from becoming a menace to health or a public nuisance.
- 7-8. The fee for licensing junk yards and dumps by the Secretary of the Board of Supervisors shall be One Thousand Dollars (\$1,000.00) for each yard or premises for which application is made.
- 7-9. Any person or persons, firm or corporation violating any provision of this ordinance shall upon summary conviction before a District Magistrate, be fined One Hundred Dollars (\$100.00) for each offense; and each day that said offense continues shall subject said owner or operator to a separate charge; and in default of payment of such fine, it shall be the duty of the District Magistrate to commit such person to the

County Jail of Lackawanna County until such fine shall be paid, not exceeding, however, a period of twenty (20) days.

- 7-10. The provisions of this ordinance are severable so that if any provision herein is unconstitutional and declared invalid, all other provisions or regulations of this ordinance shall remain in full force and effect.
- 7-11. The license fee provided hereunder may be pro-rated on a monthly basis.

FORMS

Required by

Chapter 7

Junk and Junk Yards

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

APPLICATION FOR JUNK YARD LICENSE

Application No. \_\_\_\_\_

Application is hereby made for the ( ) issuance or ( ) renewal of a junk yard or dump on property in LaPlume Township owned by the Applicants and located at: \_\_\_\_\_

\_\_\_\_\_ in accordance with Chapter 7, Junk and Junk Yards, of the Township's Code of Ordinances.

The area of land to be dedicated to use as a junk yard or dump is \_\_\_\_\_ feet by \_\_\_\_\_ feet and is situated on the property in the area outlined on the sketch plan of the property attached.

Attached is the required fee of \$1,000.00.

Dated: \_\_\_\_\_

Applicant(s)

Type or Print Names

\_\_\_\_\_

\_\_\_\_\_

(Signatures)

*For Use by Township Officials Only*

**License**

A license is hereby granted to \_\_\_\_\_ for the operation or continuation of a junk yard or dump on property at \_\_\_\_\_ in accordance with Application No. \_\_\_\_\_ dated \_\_\_\_\_, for the period of \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_.

Dated: \_\_\_\_\_

Board of Supervisors  
Township of LaPlume

By: \_\_\_\_\_  
Secretary

Chapter 8

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**NUISANCES (Reserved)**

## Chapter 9

### PLANNING COMMISSION

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby enact and ordain an Ordinance creating a Planning Commission for the Township of LaPlume, specifying its powers and duties, designating the number of members, and ratifying all actions taken by the township planning commission prior to the enactment hereof.

- 9-1. This Ordinance is a reenactment of the Ordinance of the Township dated December 13, 1990 (the "Existing Ordinance"), and all actions of the Planning Commission heretofore taken in the Township pursuant to the Existing Ordinance are hereby ratified and confirmed.
- 9-2. Pursuant to the power vested in the Board of Supervisors (the "Board") of the Township of LaPlume (the "Township") by the Pennsylvania Municipalities Planning Code, as reenacted December 21, 1988, P.L. 1329, No. 170 (the "MPC"), the Board does hereby create a Planning Commission for the Township of LaPlume (the "Planning Commission"). This Ordinance shall be known as the Planning Commission Ordinance.
- 9-3. The Planning Commission shall consist of seven (7) members who shall be residents of the Township, no less than five (5) of whom shall not be officers or employees of the Township. All members of the Planning Commission shall be appointed by the Board, and the term of each member shall be for four (4) years each; provided however, that the terms of the initial members of the Planning Commission shall be so fixed that no more than two (2) members shall be re-appointed or replaced during any future calendar year.
- 9-4. The Planning Commission shall have all of the powers and duties vested in planning commissions by the MPC, and shall take such actions as are requested of it by the Board from time to time, as authorized by the MPC.
- 9-5. All actions of the Planning Commission heretofore acting in the Township in drafting and recommending the adoption of the Township's Zoning Ordinance and the Township's Subdivision and Land Use Ordinance are hereby ratified and confirmed.

Chapter 10

**POLICE (Reserved)**

## Chapter 11

### STREETS AND SIDEWALKS

#### Subchapter A - Use of Public Streets

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance restricting uses of the public streets and roads of the Township of LaPlume by any person, firm, corporation or utility without first securing a permit in accordance with the Township Code, and providing penalties for the violation thereof, as follows:

- 11-A-1. In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended (53 P.S. Supp. §66156), no railroad or street railway shall hereafter be constructed upon any Township street or road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.
- 11-A-2. In the event that any pavement is excavated, opened or cut for such purposes, compliance shall be had with the provision of Chapter 11, Streets and Sidewalks, Subchapter B, Road Cuts.
- 11-A-3. The application for a permit shall be on a form prescribed by the Township and submitted to the Township Roadmaster in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation, for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.
- 11-A-4. A permit shall be issued to the applicant after all of the aforementioned requirements have been filed.
- 11-A-5. Upon completion of the work, the applicant shall give written notice thereof to the Township Roadmaster.
- 11-A-6. Upon completion of the work authorized by the permit, the Township Roadmaster shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township Roadmaster to do



so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional twenty percent (20%) of such cost.

- 11-A-7. Any person, firm corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine of not more than Six Hundred Dollars (\$600.00) and cost of prosecution, and in default of the payment of such fine and costs to imprisonment in the County jail for not more than five (5) days.

FORMS

Required by Chapter 11

Streets and Sidewalks

Subchapter A

Use of Public Streets

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

APPLICATION FOR STREET ENCROACHMENT PERMIT

Application No. \_\_\_\_\_

This Application is submitted in triplicate by:

Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: ( ) - \_\_\_\_\_

to use the following streets or roads in the Township of LaPlume: \_\_\_\_\_  
for purposes of \_\_\_\_\_  
pursuant to Chapter 11, Subchapter A, Streets and Sidewalks, of the Township's Code of Ordinances (the "Code").

Attached is a sketch showing the intended use, with dimensions as required by §11-A-3 of the Code.

Pavement excavation, opening or cutting ( ) is ( ) is not expected.

Also attached is the fee required for the Permit, which is the same fee required by the Schedule of Fees of the Pennsylvania Department of Transportation for Highway Occupancy Permits and Restoration Charges.

Dated: \_\_\_\_\_

Applicant:

Name: \_\_\_\_\_  
Authorized  
Representative: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_

*For Use by Township Officials Only*

**Action of the Township**

A Permit is hereby granted to \_\_\_\_\_  
for the occupancy and use of \_\_\_\_\_  
in the Township for the purposes set forth in the above Application No. \_\_\_\_\_,  
subject to the conditions, if any, attached hereto. Applicant shall notify the Township Roadmaster upon completion of any work necessary for use of this Permit, including any road cuts, and shall remedy any problems or deficiencies disclosed by the Roadmaster's inspection.

This Permit shall authorize the use or occupancy:

( ) on a permanent basis.

( ) for the period from \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_.

All work done pursuant to this Permit must be completed by \_\_\_\_\_, \_\_\_\_\_, after which date the authorization to perform work is terminated and void.

Dated: \_\_\_\_\_ Township of LaPlume

By: \_\_\_\_\_  
Roadmaster

Chapter 11

**STREETS AND SIDEWALKS**

Subchapter B - Road Cuts

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance regulating the excavating, opening or cutting of streets or roads in the Township of LaPlume; Requiring permits therefor and payment of fees; and prescribing penalties for violations of its provisions, as follows:

- 11-B-1.        Short Title. This ordinance shall be known and may be cited as the "Road Cut Ordinance of the Township of LaPlume".
- 11-B-2.        Definition. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- a.            "Applicant" is any person making application to the Township for a road cut permit hereunder.
  - b.            "Township" is the Township of LaPlume.
  - c.            "Excavation work" is the excavation, cutting or opening and other work permitted under a road cut permit and required to be performed under this ordinance.
  - d.            "Permittee" is any person who has been granted and has in full force and effect a road cut permit issued hereunder.
  - e.            "Person" is any individual, firm, partnership, association or organization of any kind.
  - f.            "Road" is any street, road, highway, sidewalk, alley, avenue or other public way or grounds or public easements in the Township of LaPlume.
- 11-B-3.        Road Cut Permit. It shall be unlawful for any person to dig up, break, excavate, tunnel, bore, undermine or in any manner break up any road or to make or cause to be made any excavation in or under the surface of any road, or to place, deposit or leave upon any road any earth or unexcavated material obstructing or tending to interfere with the free use of the road unless such person shall first have obtained a road cut permit therefor from the Township as herein provided.
- 11-B-4.        Application for Permit. No road cut permit shall be issued unless an application for the issuance of a road cut permit, on forms provided for

that purpose, is submitted to the Township Roadmaster at least twenty-four (24) hours prior to commencement of excavation. The application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and other data as may be reasonably required by the Township. In the event extensive excavation and construction is planned, the application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of the proposed elevated surfaces, the location of the excavation work, and such other information as may be prescribed by the Township. It is permissible for public utilities to submit permit information to perform maintenance work on their facilities by telephone to the Township Roadmaster and to secure oral permission therefor; provided that the written data herein required shall be submitted promptly thereafter, but not later than thirty (30) days following such oral permission.

11-B-5. Permit Fee. Upon approval of the application for the road cut permit by the Township, the applicant shall pay a fee of \$20.00 to the Township to cover reasonable costs for the issuance of the permit and inspection of said excavation, backfilling and restoration. Public utilities shall be billed for permit fees on a monthly basis.

11-B-6. Road Cut Placard. The Township shall provide each permittee, at the time the permit is issued, a suitable placard which shall state the permittee's name, the permit number and the date of expiration. It shall be unlawful for any person to exhibit such permit at or about any excavation not covered by such permit or to misrepresent the permit number or the date of expiration.

11-B-7. Surety Bond.

a. Before a road cut permit is issued, the applicant shall deposit with the Township Secretary a surety bond in the amount of \$50,000.00 in favor of the Township:

- (1) With good and sufficient surety by a surety company authorized to do business in the Commonwealth of Pennsylvania;
- (2) Satisfactory to the Township Solicitor in form and substance;
- (3) Conditioned that the applicant will faithfully comply with all the terms and conditions of this Ordinance and all rules, regulations and requirements pursuant thereto, as required by the Township, and all reasonable requirements of the Township;

- 
- (4) Conditioned that the applicant will secure and hold the Township and its officers harmless against any and all claims, judgments or other costs arising from the road cut permit or for which the Township, the Township Supervisors or any Township officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee.
- b. Recovery on such surety bond for any injury or accident shall not exhaust the bond, but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given.
- c. In the event of any suit or claim against the Township by reason of the negligence or default of the permittee, upon the Township giving written notice to the permittee of such suit or claim, any final judgment against the Township requiring it to pay for such damage shall be conclusive upon the permittee and his surety.
- d. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified herein and in other respects as specified herein but applicable as to all excavation work in roads by the permittee during the term of one year from said date.

11-B-8. Requirements.

- a. All work done pursuant to a road cut permit issued under the provisions of this Ordinance shall be performed under the direction and to the satisfaction of the Township or its duly authorized agent.
- b. Permittee shall comply with such Regulations for Excavation, Backfilling and Restoration of Road Openings which may be adopted by Resolution of the Board of Supervisors from time to time.
- c. Permanent restoration of pave cuts shall be made in like kind of existing pave or if not feasible, as directed by the Township, or its duly authorized representative.
- d. Utilities franchised to operate within the Township, the Township and agents or contractors of the Township, and no other person or entity, are permitted to restore pave cuts permanently.

11-B-9. Emergency Action. In the event of any emergency in which a main, conduit or utility facility in or under any road breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such main, conduit or utility facility, without first applying for and obtaining a road

cut permit thereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for a road cut permit not later than twenty-four (24) hours after the emergency excavation is commenced.

- 11-B-10. Non-completion or Abandonment. Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to the general public. In the event that the work shall not be performed in accordance with the applicable regulations of the Township or in accordance with the provisions of this Ordinance, or shall cease or be abandoned without due cause, the Township may, after six hours' notice in writing to the holder of said permit of intent to do so, correct said work or fill the excavation and repair the road, and in any such event the entire cost to the Township of such work shall be a liability of and shall be paid by the person to whom the permit was issued and his surety.
- 11-B-11. Insurance. A permittee, prior to the commencement of any excavation work hereunder, shall furnish the Township with satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the road cut permit, public liability insurance of not less than \$500,000.00 for any one person and \$1,000,000.00 for any one accident and property damage insurance of not less than \$500,000.00 duly issued by an insurance company authorized to do business in the Commonwealth of Pennsylvania and on which policy the Township is named as an additional insured.
- 11-B-12. Indemnification. The permittee shall indemnify, keep and hold the Township free and harmless from liability on account of injury or damage to persons or property arising or growing out of the permittee's negligence in making any road excavation. In the event that suit shall be brought against the Township, either independently or jointly with the permittee on account thereof, the permittee, upon notice to it by the Township, shall defend the Township in any suit at the cost of the permittee, and in the event of a final judgment being obtained against the Township, either independently or jointly with the permittee, the permittee shall pay such judgment with all costs and hold the Township harmless therefrom.
- 11-B-13. Exemption from Insurance Provisions. The provisions of this Ordinance requiring evidence of public liability and property damage insurance shall not be applicable to any excavation work carried on by the Township or its employees, or public utilities operating water, gas, electric or telephone facilities within the Township.
- 11-B-14. Refusal of Permits. If any person shall fail, refuse or neglect to comply with the provisions of this Ordinance, or any rules or regulations, or any reasonable orders or directions of the Township representative in



reference thereto, the Township may refuse to issue further permits to such person until such conditions or orders are complied with.

11-B-15.

Penalty. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not more than Six Hundred Dollars (\$600.00), or by imprisonment for not more than ninety (90) days for each offense.

FORMS

Required by Chapter 11

Streets and Sidewalks

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Subchapter B

Road Cuts

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

APPLICATION FOR ROAD CUT PERMIT

Application No. \_\_\_\_\_

This Application is submitted by:

Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: ( ) - \_\_\_\_\_

for a Permit to make a road cut in \_\_\_\_\_  
\_\_\_\_\_ in the Township of LaPlume, for the purpose of: \_\_\_\_\_  
\_\_\_\_\_ pursuant to Chapter 11, Subchapter B, Streets and Sidewalks, of the Township's Code of Ordinances (the "Code").

The data required by §11-B-4 of the Code is attached hereto.

A Surety Bond in the amount of \$50,000, issued by \_\_\_\_\_  
\_\_\_\_\_ Company, as required by §11-B-7, and evidence of liability insurance as required by §11-B-11, ( ) are submitted herewith, ( ) are currently on file with the Township, unless Applicant(s) is/are exempt under the Code.

- ( ) Check here if this Application confirms an oral request and permission pursuant to §11-B-4 of the Code.
- ( ) Check here if this Application confirms an emergency road cut made pursuant to §11-B-9 of the Code.

Permit fee of \$10 is submitted with this Application.

Applicant, by making this Application, agrees to the provision for indemnification set forth in §11-B-12 of the Code.

Dated: \_\_\_\_\_

Applicant: \_\_\_\_\_  
\_\_\_\_\_

Type or Print Name  
\_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

*For Use by Township Officials Only*

**Action of the Township**

( ) Road Cut Permit No. \_\_\_\_\_ is hereby granted to \_\_\_\_\_ to perform Excavation Work on or in the roadbed of \_\_\_\_\_ in LaPlume Township in accordance with Application No. \_\_\_\_\_ dated \_\_\_\_\_. All Excavation Work and all backfill and restoration work shall be completed on or before \_\_\_\_\_, \_\_\_\_\_, on which date this Permit shall become void.

( ) The road cut permit requested in Application No. \_\_\_\_\_ dated \_\_\_\_\_, \_\_\_\_\_, is denied for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_ Township of LaPlume

\_\_\_\_\_  
Township Roadmaster

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

ROAD CUT PERMIT

Dated: \_\_\_\_\_

A Road Cut Permit for Excavation Work on or in the roadbed of \_\_\_\_\_  
\_\_\_\_\_, at \_\_\_\_\_  
\_\_\_\_\_

in the Township of LaPlume has been granted to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Permit is not valid for any other area or any other work.

All Excavation Work and backfill and renovation work pursuant hereto must be completed prior to \_\_\_\_\_, \_\_\_\_\_, at which time the Permit evidenced hereby shall be void.

**This Placard shall be protected from weather or other deterioration and prominently and visibly displayed at the site of the work at all times until the Excavation Work is backfilled and renovated.**

\_\_\_\_\_  
Roadmaster  
Township of LaPlume  
Lackawanna County, Pennsylvania

Chapter 12

**SUBDIVISION AND LAND DEVELOPMENT**

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby enact, reenact and ordain, in its entirety, the Subdivision and Land Development Ordinance of 1987, originally enacted April 9, 1987, the complete title of which is as follows:

"AN ORDINANCE regulating the subdivision and the development of land in the Township of LaPlume, Lackawanna County, Pennsylvania, providing for the preparation and presentation of preliminary and final applications, establishing minimum subdivision and development design standards; requiring certain improvements to be guaranteed to be made by the subdivider; regulating sale of lots, erection of buildings, laying out, construction, opening and dedication of streets, sewers, other facilities and public improvements in connection with subdivisions and land developments; and prescribing penalties."

Said Subdivision and Land Development Ordinance is hereby enacted, reenacted and ordained and is included in the Ordinance Book of the Township by reference. A complete copy of said Ordinance is included in the unofficial, looseleaf copy of the Code, maintained by the Secretary of the Township pursuant to Section 7 of Ordinance No. 2 of 1996, adopting the Code of Ordinances of which this Ordinance is a part.

Copies of the Subdivision and Land Development Ordinance of 1987 are available to the public from the Secretary of the Township at the cost of reproducing the same.

FORMS

Required by Chapter 12

Subdivision and Land Development

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

PRELIMINARY APPLICATION  
SUBDIVISION/LAND DEVELOPMENT

Application No. \_\_\_\_\_

Date: \_\_\_\_\_

This Application for Preliminary Approval is submitted in eight (8) copies, is accompanied by eight (8) copies of the Preliminary Plot Plan, and has been preceded by Pre-application Plans and Data submitted to the Planning Commission on \_\_\_\_\_ (Date), pursuant to §12-2-2 of the Subdivision and Land Development Ordinance of the Township's Code of Ordinances (the "Code").

The Applicant/Subdivider/Land Developer is:

Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No. (     ) \_\_\_\_\_

The Name of the proposed Subdivider/Land Development is:

\_\_\_\_\_

The Preliminary Plot Plan contains the data required by §12-2-5.b(1)(a) of the Code.

The protective covenants and private restrictions to be included in the deed for each lot sold from the Subdivision are attached hereto as an Exhibit.

This Application is accompanied by an Engineer's Report setting forth the data required by §12-2-5.b(1)(b) of the Code.

The Subdivider/Developer owns:

- (   ) no other contiguous land suitable for development.
- (   ) contiguous land suitable for development for which the same engineering data is included in the above Engineer's Report.

Type or print names:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant(s):

Name: \_\_\_\_\_

By: \_\_\_\_\_

Title:



*For Use by Planning Commission Only*

**Action of Planning Commission**

The following action is taken with regard to Preliminary Approval No. \_\_\_\_\_ for the \_\_\_\_\_

Subdivision/Land Development: \_\_\_\_\_

- ( ) copy submitted to Lackawanna County Regional Planning Commission on \_\_\_\_\_  
Report received on \_\_\_\_\_
- ( ) copy submitted to Township Engineer on \_\_\_\_\_  
Report received on \_\_\_\_\_
- ( ) copy submitted to the Pennsylvania Department of Environmental Resources on \_\_\_\_\_  
Report received on \_\_\_\_\_
- ( ) copy submitted to the Township Sewage Enforcement Officer on \_\_\_\_\_  
Report received on \_\_\_\_\_
- ( ) copy submitted to the Lackawanna County Soil Conservation District on \_\_\_\_\_  
Report received on \_\_\_\_\_
- ( ) Information copy submitted to the Township Board of Supervisors on \_\_\_\_\_

- ( ) Approval of the Preliminary Application is hereby granted.
  - ( ) (if checked) subject to the conditions attached hereto.
- ( ) Preliminary Application is NOT approved for the reasons attached hereto.

Final action on approval is taken on \_\_\_\_\_, 19\_\_\_\_.

ATTEST: \_\_\_\_\_ Township of LaPlume  
Planning Commission

Secretary \_\_\_\_\_ By: \_\_\_\_\_  
Chairman

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

APPLICATION FOR FINAL SUBDIVISION APPROVAL

Application No. \_\_\_\_\_ Date: \_\_\_\_\_

This Application for Final Approval is submitted in eight (8) copies.

The Subdivider/Land  
Developer/Applicant is: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Approval of Preliminary Approval No. \_\_\_\_\_ was granted by  
the Township Planning Commission on \_\_\_\_\_.

(If applicable) Extension(s) of time to file Final Application was/were granted by  
the Planning Commission on \_\_\_\_\_,  
extending the time for Final Application to \_\_\_\_\_.

The Planning Commission is requested to establish the initial amount of the costs  
required to be submitted with this Application, as required by §12-2-7, Subdivision and  
Land Development Ordinance of the Township's Code of Ordinances (the "Code"),  
which amount will be submitted before the Planning Commission takes any action on  
the Application.

Applicant proposes:

- ( ) to record and develop the entire subdivision at this time;
- ( ) to record and develop only Phase \_\_\_\_\_ of the  
subdivision, as designated on the Plot, at this time.

All public utility improvements and other improvements for public dedication:

- ( ) have been completed and installed and are ready for dedication.
- ( ) will be completed within accordance with the Code and completion is  
supported by financial security in the amount of  
\$ \_\_\_\_\_ in the form of ( ) cash or ( ) surety bond  
with \_\_\_\_\_ Co. as corporate  
surety.

Included with this Final Application are:

- a. eight (8) complete sets of the Final Plot Plan, containing all of the information required by §12-2-7 of the Code.
- b. Current tax certificates from the Tax Claim Bureau of the County of Lackawanna and paid receipts for all current real estate taxes and other municipal liens against the parcel.
- c. Format of proposed contract of sale of lots from the Subdivision.
- d. Signed statement regarding proposed public improvements.
- e. Certificates from all utilities regarding services.
- f. Affidavit of ownership or interest of Applicant.
- g. Street lighting plan.
- h. Proposed deeds of dedication.
- i. Nature and location of setback lines for each lot (unless included on the Final Plot Plan).

Applicant therefore respectfully requests Final Approval of the above Subdivision/Land Development as of the date first above written.

Type or Print Signatures

Applicant(s)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Title (if corporation)

*For Use by Planning Commission Only*

**Action of Planning Commission**

( ) Application No. \_\_\_\_\_ for the \_\_\_\_\_  
Subdivision/Land Development is hereby approved and the Township Planning  
Commission recommends that the Township's Board of Supervisors gives  
approval. As a part of this approval the Planning Commission has signed the  
Final Plan and recommends to the Board of Supervisors that it do so as well,  
to enable the Final Plan to be recorded in the office of the Recorder of Deeds  
of Lackawanna County.

( ) Approval No. \_\_\_\_\_ for the \_\_\_\_\_  
Subdivision/Land Development is disapproved for the reasons set forth on the  
attached statement.

Dated: \_\_\_\_\_

ATTEST:

Township of LaPlume  
Planning Commission

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

## Chapter 13

### TAXATION

#### Subchapter A - Earned Income Tax

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby reenact and ordain an Ordinance, pursuant to the authority granted by the Act of the Legislature approved December 31st, 1965, Act No. 511, known as "The Local Tax Enabling Act", imposing an annual tax for general revenue purposes upon earned income received and net profits earned on and after January 1, 1970, by residents of the Township of LaPlume, requiring the filing of returns and the giving of information by employers and those subject to said tax; imposing on employers the duty of collecting the tax at source; providing for the administration, collection and enforcement of the said tax; and imposing penalties, as follows:

- 13-A-1. Definitions. The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates or requires a different meaning.
- a. "Association." A partnership, limited partnership or any other unincorporated group of two or more persons.
  - b. "Business." An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.
  - c. "Corporation." A corporation or joint stock association organized under the laws of the United States, the Commonwealth of Pennsylvania, or any other state, territory, foreign country or dependency.
  - d. "Current Year." The calendar year for which the tax is levied.
  - e. "Domicile." The place where one lives and has his permanent home and to which he has the intention of returning whenever he is absent. Actual residence is not necessarily domicile, for ~~domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory.~~ Domicile is the place in which a man has voluntarily fixed the habitation of himself and his family, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce him to adopt some other permanent home. In the case of businesses or associations, the domicile is that place considered as the center of business affairs and the place where its functions are discharged.

- f. "Earned Income." Salaries, wages, commissions, bonuses, incentive payments, fees, tips and other compensation received by a person or his personal representative for services rendered, whether directly or through an agent, and whether in cash or in property; not including, however, wages or compensation paid to persons in active military service, periodic payments for sickness and disability other than regular wages received during a period of sickness, disability or retirement or payments arising under workmen's compensation acts, occupational disease acts and similar legislation, or payments commonly recognized as old age benefits, retirement pay or pensions paid to persons retired from service after reaching a specific age or after a stated period of employment or payments commonly known as public assistance, or unemployment compensation payments by any governmental agency or payments to reimburse expenses or payments made by employers or labor unions for wage and salary supplemental programs, including, but not limited to, programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, social security and retirement.
- g. "Employer." A person, partnership, association, corporation, institution, governmental body or unit or agency, or any other entity employing one or more persons for a salary, wage, commission or other compensation.
- h. "Net Profits." The net income from the operation of a business, profession or other activity, except corporations, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the accounting system used in such business, profession or other activity, but without deduction of taxes based on income.
- i. "Non-Resident." A person, partnership, association or other entity domiciled outside the Township.
- j. "Person or Individual." A natural person.
- k. "Preceding Year." The calendar year before the current year.
- l. "Resident." A person, partnership, association or other entity domiciled in the Township.
- m. "Succeeding Year." The calendar year following the current year.
- n. "Taxpayer." A person, partnership, association or any other entity, required hereunder to file a return of earned income or net profits, or to pay a tax thereon.

- o. "Tax Collector." The duly selected wage tax collector of the Township of LaPlume.
- p. "Township." The Township of LaPlume, Lackawanna County, Pennsylvania.

13-A-2. Imposition of Tax. In accordance with "The Local Tax Enabling Act", an annual tax for general purposes of one percent (1%) is hereby levied and imposed on:

- a. Earned income received during the period beginning January 1, 1970, and ending December 31, 1970, and on Earned Income received during the period beginning on January 1, and ending December 31, of each year succeeding the current year by residents of the Township of LaPlume; and on
- b. Net profits earned during the period beginning January 1, 1970, and ending December 31, 1970; and on Net Profits earned during the period beginning on January 1, and ending December 31, of each year succeeding the current year by residents of the Township of LaPlume.

This tax shall remain in force and effect for all succeeding years without annual reenactment unless amended or repealed by the Board of Supervisors.

13-A-3. Declaration and Payment of Tax. Each resident whose earned income or net profit is subject to the tax imposed by this Ordinance shall, on or before the 15th day of April, 1971, and the 15th day of April of each succeeding year while this Ordinance shall remain in force and effect, make and file with the Tax Collector a return on a form prescribed and furnished by or obtainable from the said Tax Collector setting forth the aggregate amount of earned income received and/or the net profits earned during the preceding tax year, together with such other pertinent information as the Tax Collector may require; provided however, that any taxpayer may make and file with the Tax Collector similar quarterly returns on or before April 30, of the current year, July 31, of the current year, October 31, of the current year, and January 31, of the succeeding year, setting forth the aggregate amount of earned income received and/or net profits earned during the three-month periods ending March 31, of the current year, June 30, of the current year, September 30, of the current year, and December 31, of the current year, respectively, together with such other pertinent information as the Tax Collector may require.

Each resident making a return, as aforesaid, shall, at the time of filing his return, pay to the Tax Collector the amount of tax due on the basis thereof.

If any portion of the tax due under this Ordinance as shown by the said return has been paid prior to the filing of such return, credit for the amount so paid may be deducted from the amount shown to be due on the return and only the balance, if any, shall be due and payable at the time of the filing of the said return. Payments by an employer deducted at source and paid to the Tax Collector shall be considered as such a credit.

- 13-A-4. Collection at Source. Every employer having a place of business within the Township of LaPlume who employs one or more persons, other than domestic servants, for salary, wage, commission or other compensation shall, within fifteen (15) days of the effective date of this Ordinance or after becoming an employer, register with the Tax Collector his name, address and such other information as the Tax Collector may require.

Every employer having a place of business within the Township of LaPlume whom employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall deduct, at the time of payment thereof, the tax imposed by this Ordinance on the earned income due to his employees, and shall, on or before April 30, of the current year, July 31, of the current year, October 31, of the current year, and January 31, of the succeeding year, file a return and pay to the Tax Collector the amount of taxes deducted during the preceding three-month periods ending March 31, of the current year, June 30, of the current year, September 30, of the current year, and December 31, of the current year, respectively. Such return shall show the name and Social Security Number of each employee, the earned income of each employee during the period covered by the return, the tax deducted therefrom, and such other pertinent information as the Tax Collector may require.

Every employer who willfully or negligently fails or omits to make the deductions required by this section shall be liable for the payment of the taxes which he was required to withhold to the extent that such taxes have not been recovered from the employee.

The failure or omission of any employer to make the deductions required by this section shall not relieve any employee from the payment of the tax or complying with the requirements of this Ordinance.

- 13-A-5. Powers and Duties of the Tax Collector. It shall be the duty of the Tax Collector to collect and receive the tax imposed by this Ordinance and to appoint such officers, clerks, collectors or other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed by this Ordinance, as well as to secure whatever supplies and equipment are necessary for the assessment and collection of said taxes. It shall also be the duty of the Tax Collector, in addition to keeping the records now required by law or Ordinance, to keep a record showing the amount received by him from each taxpayer and the date of such receipt.



The Tax Collector shall give and acknowledge a bond to the Township of LaPlume, with one or more corporate sureties acceptable to the Board of Supervisors, in an amount to be fixed by the Board of Supervisors equal to the maximum amount of taxes which may be in the possession of the Tax Collector at any given time. The bond shall be conditioned upon the faithful discharge by the Tax Collector, his clerks, assistants and appointees, of all trusts confided in him by virtue of his office, the faithful execution of all duties required of him by virtue of his office, the just and faithful accounting or payment over of all monies and all balances thereof paid to, received or held by him by virtue of his office and the delivery to his successor in office of all official things held in right of his office.

The Tax Collector is hereby charged with the enforcement of the provisions of this Ordinance, and is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Ordinance, including provision for the re-examination and correction of return and payments alleged or found to be incorrect or as to which an overpayment or underpayment is claimed or found to have occurred.

The Tax Collector, or any agent or employees authorized in writing by him, is hereby authorized to examine the books, records and papers of any employer, or supposed employer, or of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax imposed by this Ordinance. Every such employer or supposed employer or taxpayer or supposed taxpayer is hereby directed and required to give to the said Tax Collector, or his duly authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized. The Tax Collector is hereby authorized to examine any person under oath concerning any item which was or should have been returned for taxation, and to this end may compel the production of books, papers and records and the attendance of all persons for him, whether as parties or witnesses, whom he believes to have knowledge of such income.

Any information gained by the Tax Collector or any other official or agent of the Township as a result of any returns, investigations, hearings or verifications required or authorized by this Ordinance, shall be confidential, except for official purposes, and except in accordance with proper judicial order, or as otherwise provided by law, and any person or agent divulging such information shall be subject to a fine or penalty of Five Hundred Dollars (\$500.00) and costs for such offense, or to undergo imprisonment for not more than thirty (30) days for the nonpayment of such fine or penalty and costs within ten (10) days from the imposition thereof.

13-A-6. Interest and Penalties. All taxes imposed by this Ordinance remaining unpaid after they become due shall bear interest in addition to the amount

of the unpaid tax at the rate of six percent (6%) per year, and the persons upon whom said taxes are imposed shall be further liable to a penalty of one half of one percent (1/2%) of the amount of the unpaid tax for each month or fraction of a month for the first six (6) months of nonpayment.

13-A-7. Collection of Unpaid Taxes. All taxes imposed by this Ordinance, together with all interest and penalties, shall be recoverable by the Township in such manner as other debts of like amount are recoverable.

13-A-8. Violations, Fines and Penalties. Any person who shall fail, neglect or refuse to make any return required by this Ordinance, or any taxpayer who shall fail, neglect or refuse to pay the tax, penalties and interest imposed by this Ordinance, or any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects or refuses to deduct or withhold the tax from his employees, or any person who shall refuse to permit the Tax Collector, or any agent appointed by him in writing, to examine his books, records and papers, or who shall knowingly make any incomplete, false or fraudulent return, or who shall attempt to do anything whatever to avoid the full disclosure of the amount of earnings or profits to avoid payment of the whole or any part of the tax, shall be subject to a fine or penalty of Five Hundred Dollars (\$500.00) and costs for each such offense or to undergo imprisonment for not more than thirty (30) days for the nonpayment of such fine or penalty and costs within ten (10) days from the imposition thereof.

Such fine or penalty shall be in addition to any penalty imposed by any other section of this Ordinance.

The failure of any employer, resident or taxpayer to receive or procure a return form shall not excuse him from making a return.

13-A-9. Applicability. This Ordinance shall not apply to any person or property as to whom or which it is beyond the legal power of the Township of LaPlume to impose the tax or duties herein provided for.

13-A-10. Severability. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance.

It is hereby declared as the intent of the Board of Supervisors of the Township of LaPlume that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

## Chapter 13

### TAXATION

#### Subchapter B - Real Estate Transfer Tax

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby reenact and ordain an Ordinance providing for the levying, assessment and collection of a tax for general revenue purposes upon a transfer of any interest in real property to the extent that such transfer is subject to the tax imposed by the Commonwealth of Pennsylvania pursuant to 72 P.S. §8101-c et seq., authorized by Article XI-D, "Local Real Estate Transfer Tax," 72 P.S. §8101-d et seq. and administered, collected and enforced under the "Local Tax Enabling Act," 53 P.S. §6901 et seq.; providing a severability clause; and providing an effective date.

- 13-B-1. Short Title. This Ordinance shall be known as the "LaPlume Township Realty Transfer Tax Ordinance".
- 13-B-2. Authority. A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or any interest in real estate situated within the Township of LaPlume, regardless of where the documents making the transfer are made, executed or delivered, or where the actual settlements on such transfer took place as authorized by Article XI-D of the Act of March 4, 1971, P.L. 6, The Tax Reform Code of 1971, "Local Real Estate Transfer Tax," 72 P.S. §8101-D et seq.
- 13-B-3. Definitions.
- a. "Association." A partnership, limited partnership, or any other form of unincorporated enterprise owned or conducted by two or more persons other than a private trust or decedent's estate.
  - b. "Corporation." A corporation, joint-stock association, business trust or banking institution which is organized under the laws of this Commonwealth, the United States, or any other state, territory, foreign country or dependency.
  - c. "Document." Any deed, instrument or writing which conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate, but does not include wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor, land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid or any cancellation thereof unless the consideration is payable over a period of time exceeding thirty years, or instruments which solely grant, vest or confirm a public utility easement. "Document" shall also include a declaration of acquisition required to be presented for recording under Section 13-B-8.c. of this Ordinance.

- d. "Family farm corporation." A corporation of which at least seventy-five percent (75%) of its assets are devoted to the business of agriculture and at least seventy-five percent (75%) of each class of stock of the corporation is continuously owned by members of the same family. The business or agriculture shall not be deemed to include:
- (1) Recreational activities such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing;
  - (2) The raising, breeding or training of game animals or game birds, fish, cats, dogs or pets or animals intended for use in sporting or recreational activities;
  - (3) Fur farming;
  - (4) Stockyard and slaughterhouse operations; or
  - (5) Manufacturing or processing operations of any kind.
- e. "Local Tax Enabling Act." The Act of December 31, 1965, P.L. 1257, 53 P.S. §6901 et seq.
- f. "Members of the same family." Any individual, such individual's brothers and sisters, the brothers and sisters of such individual's parents and grandparents, the ancestors and lineal descendants of any of the foregoing, a spouse of any of the foregoing, and the estate of any of the foregoing. Individuals related by half-blood or legal adoption shall be treated as if they were related by whole-blood.
- g. "Person." Every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to associations, shall include the responsible members or general partners thereof, and as applied to corporations, the officers thereof.
- h. "Real estate."
- (1) All lands, tenements or hereditaments within the Township of LaPlume, including, without limitation, buildings, structures, fixtures, mines, minerals, oil, gas, quarries, spaces with or without upper or lower boundaries, trees and other improvements, immovables or interests which by custom, usage or law pass with a conveyance or land, but excluding permanently attached machinery and equipment in an industrial plant.
  - (2) A condominium unit.

- (3) A tenant-stockholder's interest in a cooperative corporation, trust or association under a proprietary lease or occupancy agreement.
- i. "Real estate company." A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, ninety percent (90%) or more of the ownership in which is held by thirty-five (35) or fewer persons and which:
  - (1) derives sixty percent (60%) or more of its annual gross receipts from the ownership or disposition of real estate; and
  - (2) holds real estate, the value of which comprises ninety percent (90%) or more of the value of its entire tangible asset holdings exclusive of tangible assets which are freely transferable and actively traded on an established market.
- j. "Recorder of Deeds." The duly elected Recorder of Deeds in and for the County of Lackawanna, Pennsylvania.
- k. "Title to real estate."
  - (1) Any interest in real estate which endures for a period of time, the termination of which is not fixed or ascertained by a specific number of years, including without limitation, an estate in fee simple, life estate, or perpetual leasehold; or
  - (2) Any interest in real estate enduring for a fixed period of years but which, either by reason of the length of the term or the grant of a right to extend the term by renewal or otherwise, consists of a group of rights approximating those of an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.
- l. "Township." The Township of LaPlume, Lackawanna County, Pennsylvania.
- m. "Transaction." The making, executing, delivering, accepting or presenting for recording of a document.
- n. "Value."
  - (1) In the case of any bona fide sale of real estate at arm's length for actual monetary worth, the amount of the actual

consideration therefor, paid or to be paid, including liens or other encumbrances thereon existing before the transfer and not removed thereby, whether or not the underlying indebtedness is assumed, and ground rents, or a commensurate part thereof where such liens or other encumbrances and ground rents also encumber or are charged against other real estate; provided, that where such documents shall set forth a nominal consideration, the "value" thereof shall be determined from the price set forth in, or actual consideration for, the contract of sale;

- (2) In the case of a gift, sale by execution upon a judgment or upon the foreclosure of a mortgage by a judicial officer, transactions without consideration or for consideration less than the actual monetary worth of the real estate, a taxable lease, an occupancy agreement, a leasehold or possessory interest, any exchange of properties, or the real estate of an acquired company, the actual monetary worth of the real estate determined by adjusting the assessed value of the real estate for local real estate tax purposes for the common level ratio factor developed by the Pennsylvania Department of Revenue for Pennsylvania realty transfer tax base calculations;
- (3) In the case of an easement or other interest in real estate the value of which is not determinable under clause (i) or (ii), the actual monetary worth of such interest; or
- (4) The actual consideration for, or actual monetary worth of, any executory agreement for the construction of buildings, structures or other permanent improvements to real estate between the grantor and other persons existing before the transfer and not removed thereby or between the grantor, the agent or principal of the grantor or a related corporation, association or partnership and the grantee existing before or effective with the transfer.

13-B-4. Imposition of Tax; Interest.

- a. Every person who makes, executes, delivers, accepts or presents for recording any document, or in whose behalf any document is made, executed, delivered, accepted or presented for recording, for the transfer of any real estate, or any interest in real estate, situate in the Township of LaPlume, shall be subject to pay for and in respect to the transaction or any part thereof, or for or in respect of the vellum parchment or paper upon which such document is written or printed, a tax at the rate of one percent (1%) of the value of the real estate represented by such document, which tax shall be payable at the earlier of the time the document is presented for recording or within thirty days of acceptance of

such document or within thirty days of becoming an acquired company.

- b. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the Recorder of Deeds, whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.
- c. It is the intent of this Ordinance that the entire burden of the tax imposed herein on a person or transfer shall not exceed the limitations prescribed in The Local Tax Enabling Act, so that if any other political subdivision shall impose or hereafter shall impose such tax on the same person or transfer then the tax levied by the Township of LaPlume under the authority of the Local Tax Enabling Act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate and such one-half rate shall become effective without any action on the part of the Township, provided, however, that the Township and any other political subdivision which impose such tax on the same person or transfer may agree that, instead of limiting their respective rates to one-half of the rate herein ~~provided, they will impose respectively different rates, the total of~~ which shall not exceed the maximum rate permitted under The Local Tax Enabling Act.
- d. If for any reason the tax is not paid when due, interest at the legal rate in effect at the time the tax is due, shall be added and collected.

13-B-5. Exempt Parties. The United States, the Commonwealth, or any of their instrumentalities, agencies or political subdivisions shall be exempt from payment or the tax imposed by this Ordinance. The exemption of such governmental bodies shall not, however, relieve any other party to a transaction from liability for the tax.

13-B-6. Excluded Transactions. The tax imposed by Section 13-B-4 shall not be imposed upon:

- a. A transfer to the Commonwealth, or to any of its instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments, provided said reconveyance is made within one year from the date of condemnation.
- b. A document which the Township is prohibited from taxing under the Constitution or statutes of the United States.

- c. A conveyance to a municipality, township, school district or county pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim bureau sale.
- d. A transfer, for no or nominal actual consideration, which corrects or confirms a transfer previously recorded, but which does not extend or limit existing record, legal title or interest.
- e. A transfer or division in kind, for no or nominal actual consideration, of property passed by testate or intestate succession and held by cotenants; however, if any of the parties take shares greater in value than their undivided interest, tax is due on the excess.
- f. A transfer between husband and wife, between persons who were previously husband and wife who have since been divorced, provided the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, between parent and child or the spouse of such child, between brother or sister or spouse of a brother or sister and brother or sister or the spouse of a brother or sister, and between a grandparent and grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to tax as if the grantor were making such transfer.
- g. A transfer, for no or nominal actual consideration, of property passing by testate or intestate succession from a personal representative of a decedent to the decedent's devisee or heir.
- h. A transfer, for no or nominal actual consideration, to a trustee of an ordinary trust where the transfer of the same property would be exempt if the transfer was made directly from the grantor to all of the possible beneficiaries, whether or not such beneficiaries are contingent or specifically named. No such exemption shall be granted unless the recorder of deeds is presented with a copy of the trust instrument that clearly identifies the grantor and all possible beneficiaries.
- i. A transfer, for no or nominal consideration, from a trustee to a beneficiary of an ordinary trust.
- j. A transfer, for no or nominal actual consideration, from trustee to successor trustee.
- k. A transfer: (a) for no or nominal consideration between principal and agent or straw party; or (b) from or to an agent or straw party where, if the agent or straw party were his principal, no tax would be imposed under this Ordinance.



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Where the document by which title is acquired by a grantee or statement of value fails to set forth that the property was acquired by the grantee from, or for the benefit of, his principal, there is a rebuttable presumption that the property is the property of the grantee in his individual capacity if the grantee claims an exemption from taxation under this clause.

- l. A transfer made pursuant to the statutory merger or consolidation of a corporation or statutory division of a nonprofit corporation, except where the department reasonably determines that the primary intent for such merger, consolidation or division is avoidance of the tax imposed by this article.
- m. A transfer from a corporation or association of real estate held of record in the name of the corporation or association where the grantee owns stock of the corporation or an interest in the association in the same proportion as his interest in or ownership of the real estate being conveyed and where the stock of the corporation or the interest in the association has been held by the grantee for more than two years.
- n. A transfer from a nonprofit industrial development agency or authority to a grantee of property conveyed by the grantee to that agency or authority as security for a debt of the grantee or a transfer to a nonprofit industrial development agency or authority.
- o. A transfer from a nonprofit industrial development agency or authority to a grantee purchasing directly from it, but only if: (a) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conservation, energy production, pollution control, warehousing or agriculture; and (b) the agency or authority has the full ownership interest in the real estate transferred.
- p. A transfer by mortgagor to the holder of a bona fide mortgage in default in lieu of a foreclosure or a transfer pursuant to a judicial sale in which the successful bidder is the bona fide holder of a mortgage, unless the holder assigns the bid to another person.
- q. Any transfer between religious organizations or other bodies or persons holding title for a religious organization if such real estate is not being, or has not been used, by such transferor for commercial purposes.
- r. A transfer to a conservancy which possesses a tax exempt status pursuant to Section 501 (c)(3) of the Internal Revenue Code of 1954, as amended, (68A Stat. 3, 26 U.S.C. §501 (c)(3)), and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.

- s. A transfer of real estate devoted to the business of agriculture to a family farm corporation by a member of the same family which directly owns at least seventy-five percent (75%) of each class of the stock thereof.
- t. A transfer between members of the same family of an ownership interest in a real estate company or family farm corporation.
- u. A transaction wherein the tax due is one dollar (\$1) or less.
- v. Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

In order to exercise any exclusion provided in this Section, the true, full and complete value of the transfer shall be shown on the statement of value. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. For leases of coal, oil, natural gas or minerals, the statement of value may be limited to an explanation of the reason such document is not subject to tax under this Ordinance.

13-B-7. Documents Relating to Associations or Corporations and Members, Partners, Stockholders or Shareholders Thereof. Except as otherwise provided in Section 13-B-8, documents which make, confirm or evidence any transfer or demise of title to real estate between associations or corporations and the members, partners, shareholders or stockholders thereof are fully taxable. For the purposes of this Ordinance, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

13-B-8. Acquired Company.

- a. A real estate company is an acquired company upon a change in the ownership interest in the company, however effected, if the change does not affect the continuity of the company, and, of itself, or together with prior changes, has the effect of transferring, directly or indirectly, ninety percent (90%) or more of the total ownership interest in the company within a period of three years.
- b. With respect to real estate acquired after February 16, 1986, a family farm corporation is an acquired company when, because of voluntary or involuntary dissolution, it ceases to be a family farm corporation or when, because of issuance or transfer of stock or because of acquisition or transfer of assets that are devoted to the business of agriculture, it fails to meet the minimum requirements of a family farm corporation under this Ordinance.
- c. Within thirty days after becoming an acquired company, the company shall present a declaration of acquisition with the

Recorder of Deeds for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in the Township. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

13-B-9.

Credits Against Tax.

- a. Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer.
- b. Where there is a transfer by a builder of residential property which was transferred to the builder within the preceding year as consideration for the purchase of new, previously unoccupied residential property, a credit for the amount of the tax paid at the time of the transfer to the builder shall be given to the builder toward the amount of the tax due upon the transfer.
- c. Where there is a transfer of real estate which is leased by the grantor, a credit for the amount of tax paid at the time of the lease shall be given the grantor toward the tax due upon the transfer.
- d. Where there is a conveyance by deed of real estate which was previously sold under a land contract by the grantor, a credit for the amount of tax paid at the time of the sale shall be given the grantor toward the tax due upon the deed.
- e. If the tax due upon the transfer is greater than the credit given under this section, the difference shall be paid. If the credit allowed is greater than the amount of tax due, no refund or carryover credit shall be allowed.

13-B-10.

Extension of Lease. In determining the term of a lease, it shall be presumed that a right or option to renew or extend a lease will be exercised if the rental charge to the lessee is fixed or if a method for calculating the rental charge is established.

13-B-11.

Proceeds of Judicial Sale. The tax herein imposed shall be fully paid, and have priority, out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made except the state realty transfer tax, and the sheriff or other officer conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith. If the proceeds of the sale are insufficient to pay

the entire tax herein imposed, the purchaser shall be liable for the remaining tax.

13-B-12.

Duties of Recorder of Deeds.

- a. As provided in 16 P.S. §11011-6, as amended by Act of July 7, 1983 (P.L. 40, No. 21), the Recorder of Deeds shall be the collection agent for the Local Realty Transfer Tax, including any amount payable to the Township based on a redetermination of the amount of tax due to the Commonwealth of Pennsylvania of the Pennsylvania Realty Transfer Tax, without compensation from the Township.
- b. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the Recorder of Deeds shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
- c. On or before the tenth of each month, the Recorder of Deeds shall pay over to the Township all Local Realty Transfer Taxes collected pursuant hereto, less two percent (2%) for use of the County of Lackawanna, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania Realty Transfer Tax. The two percent (2%) commission shall be paid to the County of Lackawanna.
- d. Upon a redetermination of the amount of realty transfer tax due to the Commonwealth of Pennsylvania, the Recorder of Deeds shall rerecord the deed or record the additional realty transfer tax form only when both the state and local tax amounts and a rerecording or recording fee have been tendered.

13-B-13.

Statement of Value. Every document lodged with or presented to the Recorder of Deeds for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by a statement of value executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Ordinance. A copy of the Pennsylvania Realty Transfer Tax Statement of Value may be submitted for this purpose. The provisions of this section shall not apply to any excludable real estate transfer which are exempt from taxation based on family relationship. Other documents presented for the affixation of stamps shall be accompanied by a certified copy of the document and statement of value executed by a responsible person connected with the transaction showing such connection and setting for the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Ordinance.

13-B-14. Civil Penalties.

- a. If any part of any underpayment of tax imposed by this Ordinance is due to fraud, there shall be added to the tax an amount equal to fifty percent (50%) of the underpayment.
- b. In the case of failure to record a declaration required under this Ordinance on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause, there shall be added to the tax five percent (5%) of the amount of such tax if the failure is for not more than one month, with an additional five percent (5%) for each additional month or fraction thereof during which such failure continues, not exceeding fifty percent (50%) in the aggregate.

13-B-15. Lien. The tax imposed by this Ordinance shall become a lien upon the lands, tenements, or hereditaments, or any interest therein, lying, being, or situate, wholly or in part within the boundaries of the Township, which lands, tenements, hereditaments, or interest therein, are described in or conveyed by or transferred by the deed or document which is the subject of the tax imposed, assessed and levied by this Ordinance, said lien to begin at the time when the tax under this Ordinance is due and payable, and continue until discharge by payment, or in accordance with the law, and the Solicitor of the Township is authorized to file a municipal or tax claim in the Court of Common Pleas of Lackawanna County, in accordance with the provisions of the Municipal Claims and Liens Act of 1923, 53 P.S. §7101 et seq., its supplements and amendments.

13-B-16. Enforcement. All taxes imposed by this Ordinance together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

13-B-17. Regulations. The Treasurer of the Township of LaPlume, or his or her designee, is charged with the enforcement and collection of the tax imposed by this Ordinance and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been, or in the future will be, promulgated by the Pennsylvania Department of Revenue under 72 P.S. §8101-C et seq. are incorporated into and made a part of this Ordinance.

13-B-18. Refunds. Whenever the Commonwealth of Pennsylvania shall determine that there has been an overpayment to it of realty transfer tax due under the "Realty Transfer Tax Act", the Treasurer of the Township of LaPlume, or his or her designee, may accept that determination as evidence of an overpayment of the tax hereunder sufficient to allow a refund to the taxpayer of the amount of the overpayment. No interest shall be paid upon any such overpayment.

13-B-19.

Severability. Should any section, subsection, sentence, clause or phase of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof other than that declared to be invalid.

Chapter 14

**TRAFFIC AND MOTOR VEHICLES**

Subchapter A - Parking Regulations

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance establishing a no parking zone in the Township of LaPlume; providing for placement of official no parking signs at said zone; and providing for penalties for the violation of this Ordinance, as follows:

- 14-A-1. From and after the effective date of this Ordinance, the parking of motor vehicles and motorcycles, as the same are defined in the Pennsylvania Motor Vehicle Code, shall not be permitted at any time in the following areas of the Township of LaPlume;
- a. Upon any portion of the pavement of that certain road known as College Road in the Township of LaPlume, also known as Township Route #437, between the division line of Wyoming County and Lackawanna County and a point located one thousand (1,000) feet easterly from the easterly end of that certain County concrete bridge located on said road;
  - b. Upon any portion of the northerly right-of-way along the aforesaid Township Route #437 between the division line of Wyoming County and Lackawanna County and a point located one thousand (1,000) feet easterly from the easterly end of that certain County concrete bridge located on said road;
  - c. Upon any portion of the southerly right-of-way along the aforesaid Township Route #437 between the division line of Wyoming County and Lackawanna county and a point which is approximately three hundred (300) feet westerly from the westerly end of that certain County iron bridge located on said Township Route #437, which said point is the northeasterly corner of lands currently owned by Keystone Junior College along said Township Route #437.
- 14-A-2. Parking, for the purposes of this Ordinance, shall be defined to mean the allowing of a vehicle or motorcycle to remain at rest and unmoving, whether the same be attended or unattended by an operator or a passenger, for any period of time.
- 14-A-3. The Township Roadmaster is authorized and directed to secure and post official No Parking signs at said restricted areas to inform the public of the restrictions against parking at said places.
- 14-A-4. If any motor vehicle or motorcycle be parked within said restricted areas in violation of this Ordinance, then the owner of such motor vehicle or motorcycle shall be subject to pay a fine, as follows:

First Offense:	\$10.00
Second Offense:	\$20.00
Third and All Subsequent Offenses	\$30.00

- 14-A-5. The said fines may be paid by mail, or in person, to the Township Secretary, at the residence of the Township Secretary, during reasonable business hours, within ten (10) days of the offense. Failure to pay the fine within the proscribed period shall result in the institution of summary proceedings before the District Magistrate, pursuant to the Pennsylvania Motor Vehicle Code.
- a. The Township Secretary is authorized and directed to secure parking tickets, with information contained thereon informing the owner of the vehicle of the nature of the offense and the general nature of this Ordinance.
  - b. The Township Secretary is authorized and directed to maintain a system of records containing information which will enable the Township to determine whether any particular offense is a second or subsequent offense.
- 14-A-6. Such tickets shall be deemed served upon the owner of the vehicle when the same are posted prominently on the violating vehicle or when the same are served personally upon the operator or owner thereof.
- 14-A-7. Any law enforcement officer, any constable of the Township or any Supervisor of the Township may properly serve a parking ticket pursuant to this Ordinance.



FORMS

Required by Chapter 14

Traffic and Motor Vehicles

Subchapter A

Parking Regulations

Ticket No. \_\_\_\_\_ Dated: \_\_\_\_\_

## PARKING TICKET

*LaPlume Township  
Lackawanna County, PA*

A. Violation of No Parking Zone  
Location: \_\_\_\_\_  
\_\_\_\_\_

B. Vehicle Description:  
Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Year: \_\_\_\_\_  
Registration Plate No. \_\_\_\_\_  
State: \_\_\_\_\_

C. First Offense: \$2.00 ( )  
Second Offense: \$5.00 ( )  
Third and Subsequent  
Offense: \$15.00 ( )

Township of LaPlume

By: \_\_\_\_\_  
(Peace Officer, Constable or Supervisors -  
cross out inapplicable designation)

Chapter 14

**TRAFFIC AND MOTOR VEHICLES**

Subchapter B - Speed Limits

The Township of LaPlume, Lackawanna County, Pennsylvania, does hereby enact and ordain an Ordinance to provide for the establishment of reasonable and safe maximum speed limits on College Road, Overbrook Road, Turnpike Road and Maple Road in LaPlume Township, providing for the posting of such speed limits in accordance with the Vehicle Code of the Commonwealth of Pennsylvania, and for the prosecution of violators, as follows:

14-B-1. Recitals.

- a. WHEREAS, the Board of Supervisors (hereinafter the "Board") of the Township of LaPlume (hereinafter the "Township") has conducted traffic and engineering investigations on its roadways in accordance with the regulations established by the Pennsylvania Department of Transportation; and
- b. WHEREAS, said investigations have established that traveling on certain of the roadways within the Township in excess of twenty-five (25) miles per hour is unreasonable and unsafe; and
- c. WHEREAS, the Board has determined to take such steps as are necessary and required to establish maximum speed limits of 25 m.p.h. on said roadways;

14-B-2. This Ordinance shall be known and may be acted as "The LaPlume Township Speed Limit Ordinance".

14-B-3. A maximum speed limit of twenty-five (25) miles per hour is hereby established upon the following designated portions of roadways situate within the Township:

- a. That portion of College Road which extends from the Factoryville Borough, Wyoming County, boundary to its intersection with Legislative Route 35056;
- b. That portion of Overbrook Road which extends from its intersection with College Road, crossing U.S. Routes 6 and 11, to the boundary of Benton Township, Lackawanna County, at or near the South Branch of the Tunkhannock Creek;
- c. That portion of Turnpike Road which extends from its intersection with Legislative Route 35030 to the boundary line of Dalton Borough, Lackawanna County, and Maple Road; and

- d. That portion of Maple Road which extends from its intersection with Legislative Route 35030 to the boundary line of Dalton Borough, Lackawanna County, and Turnpike Road.
- 14-B-4. The Township shall erect traffic control devices on the effected roadways in accordance with the standards and requirements of the Pennsylvania Department of Transportation.
- 14-B-5. No person shall operate any motorized vehicle of any sort whatsoever, without limitation, at a speed in excess of twenty-five (25) miles per hour on any portion of the roadways described in Section 14-B-3 of this Ordinance at any time after the effective date of this Ordinance.
- 14-B-6. Any person who operates a motorized vehicle at a speed in excess of twenty-five (25) miles per hour in violation of the provisions hereof shall be prosecuted and punished in the same manner as provided in the Pennsylvania Motor Vehicle Code for other speeding violations.
- 14-B-7. No enforcement of the provisions hereof shall occur until the Township has erected those traffic control devices required by the Pennsylvania Department of Transportation.

Chapter 15

**SEWAGE COLLECTION AND CONTROL**

Subchapter A - Sewage Disposal Facilities

The Township of LaPlume, County of Lackawanna, Pennsylvania, does hereby reenact and ordain an Ordinance to provide for the establishment of standards for the construction of sewage disposal facilities and the inspection of such construction in the Township of LaPlume, requiring the issuance of permits for the construction of sewage disposal facilities, and adopting by reference certain rules and regulations promulgated by the Department of Environmental Resources of the Commonwealth of Pennsylvania pertaining to sewage facilities, and providing for the establishing of fees by Resolution of the Board of Supervisors, as follows:

- 15-A-1. This Ordinance shall be known and may be cited as "The LaPlume Township Sewage Disposal Ordinance".
- 15-A-2. All structures which shall be put into human occupancy after the effective date of this Ordinance, which was originally adopted on June 2, 1977, whether they are mobile or fixed, temporary or permanent, including trailers and modular housing, shall be equipped with an approved system for sewage disposal in accordance with the provisions hereof.
- 15-A-3.
- a. To the extent that the same are not inconsistent with any other of the provisions hereof, the following Rules and Regulations of the Department of Environmental Resources of the Commonwealth of Pennsylvania, published in 25 Pa. Code (the "Rules and Regulations"), are incorporated herein by reference, adopted and made a part of this Ordinance as fully as though the same had been set forth herein at length:
    - (1) Title 25, Environmental Resources, Part I, Department of Environmental Resources, Subpart C, Protection of Natural Resources, Chapter 71, Administration of Sewage Facilities Program (25 Pa. Code § 71.1 - 71.76 inclusive).
    - (2) Title 25, Environmental Resources, Part I, Department of Environmental Resources, Subpart C, Protection of Natural Resources, Chapter 73, Standards for Sewage Disposal Facilities (25 Pa. Code § 73.1 - 73.141 inclusive).
  - b. It is the intention hereof to adopt said Rules and Regulations fully as they presently exist, and to incorporate any changes, amendments or additions thereto as may, from time to time, be made by the Department of Environmental Resources of the

Commonwealth of Pennsylvania unless specifically rejected by the Board of Supervisors of the Township of LaPlume.

- c. Three copies of the above referenced Rules and Regulations have been deposited with the Township Secretary at least ten (10) days before the Board of Supervisors originally considered the adoption of this Ordinance and the same shall remain with the Township Secretary permanently, and the same are and shall remain available for public use, inspection and examination during reasonable business hours.

15-A-4. Notwithstanding any Rules and Regulations to the contrary, there shall be no exemption, from the requirements of this Ordinance or any other Rules and Regulations for any rural residence. All structures which shall be put into human occupancy after the effective date of this Ordinance shall be subject to the permit and system requirements hereof, regardless of the size of the lot or parcel of land whereon the same may be situate.

15-A-5.

- a. No construction or installation of any proposed sewage disposal system, or any part thereof, shall be commenced unless and until the builder, owner or proposed occupier of the dwelling for which such system is proposed shall have first obtained from the Board of Supervisors of the Township of LaPlume or its duly appointed sewage enforcement officer (the "SEO") a permit approving such system.
- b. Application for such permit shall be made upon forms to be obtained from the Board of Supervisors or the SEO and shall contain, in addition to other information required therein, plans and specifications for the said sewage disposal system, which plans and specifications shall clearly disclose the details of the proposed system and all materials to be used therein.
- c. The fees to be charged in connection with the administration of the Pennsylvania Sewage Facilities Act, including applications for permits to install, modify, repair and replace on-site sewage treatment facilities, and site suitability evaluations, monitoring sub-division reviews, major sub-division reviews, soil placement verification and appeals in the Township of LaPlume shall be as adopted, from time to time, by resolution of the Board of Supervisors of the Township of LaPlume. All such fees shall be payable to the Township of LaPlume and shall be collected by the Sewage Enforcement Officer. No such fee shall be refundable.
- d. To the extent that the fees established by resolution of the Board of Supervisors of the Township of LaPlume from time to time are insufficient to reimburse the Township for the costs and expenses the Township incurs with regard to the application of the

Pennsylvania Sewage Facilities Act with regard to any Applicant, such Applicant shall, and is hereby required to, pay the Township as an additional fee with regard to such application the additional costs and expenses incurred by the Township within thirty (30) days from the date of receipt of an invoice for the same from the Township.

15-A-6.

- a. No dwelling, of which an unapproved sewage disposal system is a part, shall be occupied until such sewage disposal system is approved as being in compliance with the terms hereof.
- b. Each such day of occupancy in violation of this Ordinance shall constitute a separate violation hereof.

15-A-7.

- a. The Board of Supervisors shall be empowered to and shall appoint a sewer inspector, who shall also be the enforcement officer, above referred to as the SEO, to receive applications for permits for sewage disposal systems and fees paid in connection therewith.
- b. The SEO shall examine the said applications and issue permits if the same shall comply with the requirements herein set forth.
- c. The SEO shall inspect all completed sewage disposal systems prior to their being covered and shall, if the same comply with the requirements hereof, approve the same in writing.

15-A-8.

Any violation of this Ordinance shall constitute a public nuisance which may be abated by the SEO by locking or sealing the involved premises against human habitation. Any such violation shall be a summary offense and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Six Hundred Dollars (\$600.00), or, in default thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days. The Board of Supervisors are hereby authorized to proceed in equity to enjoin any violation of this Ordinance. The remedies hereunder shall be cumulative and shall be enforced in the same manner as other violations of Township Ordinances and the cost of such abatement shall be recovered against the owner or occupier of such dwelling in the same manner as provided by the law for the recovery of fines and penalties.

15-A-9.

Invalidation of any of the provisions of this Ordinance by judicial decree shall not effect or impair the remaining provisions hereof, it being the intention of the Board of Supervisors that such remaining provisions remain in full force and effect as though the invalidated provision had not been included herein.

# COOPERATION AGREEMENT



COOPERATION AGREEMENT

By and between The Dalton Sewer Authority, an authority organized under the Municipality Authorities Act of 1945, as amended, by the Borough of Dalton (hereinafter called the "Authority"),

AND

The Township of LaPlume, a Township of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania (hereinafter called the "Township")

WITNESSETH:

WHEREAS, the Township is separated from the Borough of Dalton, which is serviced by the Authority, by North Turnpike Road, also known as Pennsylvania Legislative Route No. A-309, and by a Township Road known as Maple Road; and

WHEREAS, the Authority is willing and able to provide sewer services to residence dwellings situate in the Township along portions of North Turnpike Road and Maple Road; and

WHEREAS, the Department of Environmental Resources of the Commonwealth of Pennsylvania has expressed its desire that such sewer service be made available to those residence dwellings so situated; and

WHEREAS, the provisions of Section 1501.1 of the Second Class Township Code (53 P.S. §66501.1) authorize the Supervisors of a township of the second class to compel owners of properties, whereon are situate principal dwellings within one hundred fifty feet (150') of a sewer line installed by a municipal authority,

to make connection therewith, and makes other provisions with regard to such connections; and

WHEREAS, the Act of July 13, 1972, P.L. 762, Act No. 180 (53 P.S. §481-490, et seq.) provides additional authority for local governments to cooperate in carrying out their functions and powers, in addition to their inherent right so to do;

NOW THEREFORE, know all men by these presents that the Authority and the Township, for their mutual benefit, and for the benefit of the streams of the Commonwealth of Pennsylvania, do hereby agree as follows:

1. The Township does hereby authorized and empower the Authority and the Lackawanna County Community Development Agency, their agents, contractors and employees to use the roadways, streets and alleys and other highways of the Township, as the same are necessary for the installation, maintenance and provision of sewer service by the Authority to the residents of the Township, and for all such purposes which are necessarily attendant to such purpose.
2. The Township covenants and warrants that it has adopted those ordinances and regulations necessary to ensure that owners of real property in the Township, with principal buildings situate within one hundred fifty feet (150') of the sewer lines installed by the Authority, shall connect such buildings to such sewer system, and the Township agrees that it will demand and compel connection to such sewer system by such owners of real estate, upon receiving written notice from the Authority that

such sewer service is available, which notice from the Authority shall designate the name and address of the owners of the real estate to be affected and shall request such action on the part of the Township.

3. The Authority covenants and warrants that it will charge a hook-up fee of \$2,000 for each principal building in the Township connected to the sewer system pursuant this Agreement, and the Township agrees that it shall take all actions necessary to collect such amounts from the owners of each of the premises involved, including the filing of municipal liens with regard thereto. To the extent that it becomes necessary to file municipal liens for collection purposes, the Authority agrees to defer the time for payment during the normal collection process of such liens and the Township agrees that it holds such liens in trust for the Authority.

4. The Authority shall establish the rates and charges for the supplying of sewage treatment services pursuant hereto, which rates and charges may, from time to time, be altered, amended or revised by the Authority. The Authority covenants and warrants that it will charge the residents of the Township at the same rate and in the same amounts as are applicable to residents of the Borough of Dalton.

5. The Township authorizes and empowers the Authority to serve the owners of real estate with principal buildings situate within one hundred fifty feet (150') of the sewer lines to be

installed by the Authority, within the Township of LaPlume along North Turnpike Road and Maple Road, with sewer service.

6. The parties understand and agree that it is and shall remain the obligation of each respective building owner to pay the cost of excavation and installation of sewer laterals from the edge of the public roadway to the building served and it is and shall remain the obligation of such landowner to maintain such sewer lateral lines as well as any grinder pumps required to be installed for proper operation of the sewer collection and treatment system.

7. Upon ~~completion of the~~ installation of the sewer lines here in question by agents and contractors engaged by the Lackawanna County Community Development Agency in accordance with plans and specifications heretofore approved by the Authority, and the examination and approval thereof by the Authority's engineers, the Township will take whatever necessary action which may be required to transfer full and complete ownership of the sewer lines to the Authority. The Authority agrees to accept such ownership and to maintain such sewer lines in perpetuity in the same manner as all other sewer lines now owned by the Authority.

8. Nothing herein provided shall operate to give the Township any power to determine the areas to be served by the Authority, the rates and charges to be established, or the services to be provided by the Authority.

9. This Agreement shall be binding upon the parties hereto and their respective successors and assigns, and shall not be amended or varied except by a writing duly executed by all three parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused the due execution hereof by their duly constituted officers this 7th day of July, 1994, intending to be effective from and after the 1st day of July, 1993.

ATTEST:

*[Signature]* (Corp.)  
(Seal )  
Secretary

DALTON SEWER AUTHORITY

By: *C. G. Harris*  
Chairman

ATTEST:

*[Signature]* (Corp.)  
(Seal )  
Secretary

TOWNSHIP OF LaPLUME

By: *[Signature]*  
Chairman,  
Board of Supervisors

RESOLUTION A - 1991

LAPLUME TOWNSHIP  
 LACKAWANNA COUNTY, PENNSYLVANIA  
 RESOLUTION No. A - 2000

A RESOLUTION AMENDING AND ESTABLISHING A SCHEDULE OF FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE PENNSYLVANIA SEWAGE FACILITIES ACT, INCLUDING APPLICATIONS FOR PERMITS TO INSTALL, MODIFY, REPAIR AND REPLACE ON-SITE SEWAGE TREATMENT FACILITIES, AND SITE SUITABILITY EVALUATIONS, MINOR SUBDIVISION REVIEWS, MAJOR SUBDIVISION REVIEWS, SOIL REPLACEMENT VERIFICATION AND APPEALS IN THE TOWNSHIP OF LAPLUME.

WHEREAS, the Board of Supervisors of LaPlume Township (the "Board") has enacted an Ordinance establishing procedures in connection with the application for, and issuance of, permits to install on-site sewage facilities and related sewage work in the Township of LaPlume, Lackawanna County; and

WHEREAS, the Board has heretofore established a Schedule of Fees, pursuant to Resolution No. A-1991, which it is desirous of amending and updating;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of LaPlume, and IT IS HEREBY RESOLVED by authority of the same, that the following schedule of fees shall apply from the effective date of this RESOLUTION:

		<u>Applicant's Fee</u>
1.	Installation of new system for single family residence . . . . .	\$ 400.00
2.	Installation of a new system for multi-family residence. . . . .	\$ 750.00
3.	Installation of a new system for Institutions (Hospitals, Churches and Schools), commercial facilities and other applications . . . . .	\$ 750.00
4.	Repairs, alterations or replacement of existing systems for single family residence:	
A.	Treatment tank (septic or aerobic)	\$ 75.00

	B.	Drain field replacement or equal addition . . . . .	\$	200.00
5.	Repairs, alterations or replacement of existing systems for multi-family, commercial or other applications (not including Institutions)			
	A.	Treatment tank . . . . .	\$	350.00
	B.	Drain Field involvement . . . . .	\$	100.00
6.	Repairs, alterations or replacement of existing systems for Institutions (Hospitals, Churches and Schools)			
	A.	Treatment tank . . . . .	\$	350.00
	B.	Drain Field involvement . . . . .	\$	100.00
7.	Site evaluation fee. For those who want written evidence that ground is suitable for on-lot sewage, but do not wish to build on it for more than two years. Includes backhoe test, percolation test and written results which may be transferred to a sewage permit application in the future . . . . .			
			\$	400.00
8.	Soil placement verification - certifying that good mineral soil has been added to a prescribed depth in a marked location in order that the area may be tested after a four-year waiting period to determine if it is suitable for on-lot sewage use. The drain field <u>must</u> be located in the same exact area. A new permit application must be applied for and new testing performed, after a minimum four-year interval, to ascertain if replacement area is suitable for on-lot sewage use . . . . .			
			\$	100.00
9.	Minor Planning Module review - Five (5) lots or less . . . . .		\$50.00	per lot
10.	Major Planning Module review - Six (6) lots or more . . . . .		\$25.00	per lot
11.	Additional test pit analysis (two test pit analysis are allowed per each application)		\$ 50.00	per test pit
12.	Appeals: Appeals from the denial or granting of a sewage permit PLUS costs of advertising, court stenographer and consultants hired by the Township . . . . .		\$750.00	plus costs incurred


IT IS FURTHER RESOLVED that the Board of Supervisors of LaPlume Township is authorized to enter into appropriate employment agreements, from time to time, with Pennsylvania Sewage Enforcements Officer to administer its duties as a local agency.




THIS Schedule of Fees supersedes the Schedule of Fees adopted April 10, 1991.

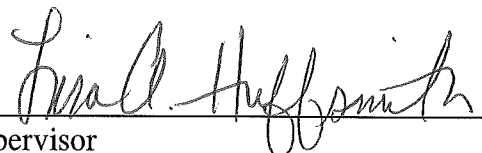
RESOLVED by the Supervisors of LaPlume Township on this 10<sup>th</sup> day of August, 2000,  
to become effective on and after August 15, 2000.

ATTEST:

  
\_\_\_\_\_  
Secretary

By   
\_\_\_\_\_  
Chairman, Board of Supervisors

By   
\_\_\_\_\_  
Supervisor

By   
\_\_\_\_\_  
Supervisor

LAPLUME TOWNSHIP  
LACKAWANNA COUNTY, PENNSYLVANIA  
RESOLUTION NO. A-1991

A RESOLUTION ESTABLISHING A SCHEDULE OF FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE PENNSYLVANIA SEWAGE FACILITIES ACT, INCLUDING APPLICATIONS FOR PERMITS TO INSTALL, MODIFY, REPAIR AND REPLACE ON-SITE SEWAGE TREATMENT FACILITIES, AND SITE SUITABILITY EVALUATIONS, MINOR SUBDIVISION REVIEWS, MAJOR SUBDIVISION REVIEWS, SOIL PLACEMENT VERIFICATION AND APPEALS IN THE TOWNSHIP OF LAPLUME.

WHEREAS, the Board of Supervisors of LaPlume Township has enacted an Ordinance establishing procedures in connection with the application for, and issuance of, permits to install on-site sewage facilities and related sewage work in the Township of LaPlume, Lackawanna County;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of LaPlume, and IT IS HEREBY RESOLVED by authority of the same, that the following schedule of fees shall apply from the effective date of this RESOLUTION:

	<u>APPLICANT'S FEE</u>
1. Installation of new system for single family residence. . . . .	\$160.00
2. Installation of a new system for multi-family, commercial and other applications (Does not include Institutions). . . . .	\$160.00
3. Installation of a new system for Institutions (Hospitals, Churches and Schools)	
A. Fee per Equivalent Dwelling Unit (Maximum of 3). . . . .	\$160.00 per EDU

4. Repairs, alterations or replacement of existing systems for single family residence:
  - A. Treatment tank (septic or aerobic) \$50.00
  - B. Drain field replacement or equal addition. . . . . \$100.00
  
5. Repairs, alterations or replacement of existing systems for multi-family, commercial or other applications (Not including Institutions) Fee per Equal Dwelling Unit
  - A. Tank involvement. . . . . \$50.00 per EDU
  - B. Drain Field involvement. . . . . \$100.00
  
6. Repairs, alterations or replacement of existing systems for Institutions (Hospitals, Churches and Schools) Fee per Equivalent Dwelling Unit
  - A. Tank involvement. . . . . \$50.00 per EDU
  - B. Drain Field involvement. . . . . \$100.00 per EDU
  
7. Site evaluation fee. For those who want written evidence that ground is suitable for on-lot sewage, but do not wish to build on it for more than two years. Includes backhoe test, percolation test and written results which may be transferred to a sewage permit application in the future. . . . . \$125.00
  
8. Soil placement verification - certifying that good mineral soil has been added to a prescribed depth in a marked location in order that area may be tested after a four-year waiting period to determine if it is suitable for on-lot sewage use. The drain field must be located in the same exact area. A new permit application must be applied for and new testing performed, after a minimum four-year interval, to ascertain if replacement area is suitable for on-lot sewage use. . . . . \$300.00

- |   |  |
|---|--|
| 9. Minor Planning Module review - Five (5) lots or less. . . . .  | \$35.00 per lot  |
| 10. Major Planning Module review - Six (6) lots or more.  |  |
| A. Per lot fee for percolation tests  | \$50.00  |
| B. Per lot fee for pits. . . . .  | \$25.00  |
| 11. Second percolation test fee - when holes are not properly prepared, or an easily accessible water supply is not available or sufficient, or additional testing is required or requested due to inadequate prior testing results or due to the size of the drain field proposed. . . . . | \$75.00  |
| 12. Additional test pit analysis. (Two test pit analyses are allowed per each application). . . . .   | \$25.00 per test pit   |
| 13. Appeals: Appeals from the denial or granting of a sewage permit PLUS costs of advertising, court stenographer and consultants hired by the Township. . . .  | \$1,000.00 including costs incurred, the unused portion for costs (up to \$500.00) to be reimbursed. |

IT IS FURTHER RESOLVED that the Board of Supervisors of LaPlume Township is authorized to enter into appropriate employment agreements, from time to time, with Pennsylvania Certified Sewage Enforcements Officer to administer its duties as a local agency.

This Schedule of Fees supersedes the Schedule of Fees adopted July 7, 1988.

RESOLVED by the Supervisors of LaPlume Township on this 10th day of April, 1991, to become effective on and after April 15, 1991.

ATTEST:

/s/ Shirley S. Lewis  
Secretary

/s/ Thomas Dickinson  
Chairman, Board of Supervisors

/s/ Betty Stanley  
Supervisor

/s/ James Pengelly  
Supervisor

Chapter 15

**SEWAGE COLLECTION AND CONTRACT**

Subchapter B - Connection Ordinance

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby enact and ordain an ordinance requiring owners of improved properties within the Township of LaPlume which are accessible to the sewer system constructed and to be constructed by Dalton Sewer Authority to connect therewith as and when sewer service shall become available; requiring abandonment of cesspools, septic tanks and other sewage facilities; prohibiting the discharge of harmful wastes and roof drainage and other waters into the sewer system; and providing penalties for the violation of this Ordinance, as follows:

15-B-1. Recitals.

- a. WHEREAS, the Dalton Sewer Authority (the "Authority") has undertaken, with the approval of the Township of LaPlume (the "Township"), a sewer project consisting of the construction of a sewage collection system (the "Sewer System") serving certain areas in the Township, in accordance with plans and specifications prepared by Glace Associates, Inc., Consulting Engineers, Harrisburg, Pennsylvania; and
- b. WHEREAS, by Section 1501.1 of the Second Class Township Code, as amended, (53 P.S. §66501.1) the Township is empowered to compel owners of property accessible to a sewer system constructed therein by a municipality authority to make connection therewith, and it is imperative that property owners shall connect with and use the Sewer System promptly after sewer service becomes available thereby; and
- c. WHEREAS, under an agreement between the Township and the Authority providing for sewage treatment, the Township has agreed that the sewage and wastes discharged into the Sewer System shall not contain storm water, roof or surface drainage, or certain injurious or dangerous industrial wastes, chemicals or other matter as herein set forth; and
- d. WHEREAS, the sewerage permit issued by the Department of Environmental Resources, approving the construction of the Sewer System, requires that all occupied buildings on premises accessible to the Sewer System be connected therewith and that privies, cesspools, septic tanks and similar receptacles be abandoned.

15-B-2. Mandatory Connection of Existing Buildings. As and when the Sewer System or parts thereof are completed so that sewer service becomes available to property owners, each and every owner of improved property

within the Township on which sanitary sewage is generated which is accessible to the Sewer System and whose principal building is within one hundred fifty (150') feet from any collection line of any size, installed by the Authority for the transmission of sanitary sewage to the treatment plant constructed by the Authority in the Township (a "Sewer Line"), of the Sewer System shall, upon written notice from the Board of Supervisors of the Township of LaPlume (the "Supervisors") that sewer service is available and that connection is ordered, connect his property with the Sewer System in accordance with the rules and regulations of the Authority, within sixty (60) days from the date of such notice, and shall thereafter use the Sewer System.

15-B-3. Future Mandatory Connections. From time to time, as sewer service becomes available to additional properties within the Township by reason of the improvement of properties accessible to the Sewer System, or by reason of the construction of extensions to the Sewer System; each and every owner of such additional properties on which the principal building shall be within one hundred fifty (150') feet of a Sewer Line shall, upon written notice from the Supervisors ordering connection, connect such principal building to the Sewer System, within sixty (60) days from the date of such notice, and shall thereafter use the Sewer System.

15-B-4. Penalty Failure to Connect. If any owner of improved property within the Township, who is required to connect his property to the Sewer System by Sections 15-B-2 or 15-B-3 of this Ordinance, shall neglect or fail to connect therewith within sixty (60) days after written notice from the Supervisors ordering connection, the Supervisors shall give such owner written notice by certified mail of the provisions of this Ordinance, and upon the neglect or failure of such owner to make the required connection within an additional period of sixty (60) days from the date of such notice, such neglect or failure shall be and hereby is declared to be a violation of this Ordinance, and such owner shall, upon conviction of the same before any District Justice, forfeit and pay to the use of the Township a sum not exceeding Six Hundred Dollars (\$600.00) for each ninety (90) days, or fraction thereof, that such violation shall persist, together with costs of prosecution, which sum shall be collected as prescribed in the Second Class Township Code. Any sum forfeited pursuant hereto shall be considered to be a penalty.

15-B-5. Connection by Township. If any owner of improved property within the Township, who is required to connect his property with the Sewer System by Sections 15-B-2 or 15-B-3 of this Ordinance, shall neglect or fail to connect therewith within sixty (60) days after written notice from the Supervisors ordering connection, the Supervisors may, but shall not be obliged to, enter upon such property and cause such connection to be made and proceed to bill and collect the cost of the construction as a municipal lien as by law provided.

15-B-6. Non-Conforming Systems Unlawful. After the Supervisors shall have given notice to any property owner ordering connection with the Sewer

System pursuant to this Ordinance, it shall be unlawful for such property owner to operate or use any privy, cesspool, vault, septic tank or similar receptacle with the Sewer System, or to discharge sewage into any storm sewer or other outlet other than the Sewer System. No privy, cesspool, vault, septic tank or other similar receptacle shall be constructed or installed on any property which is located within one hundred fifty (150') feet of the Sewer System subsequent to the time when sewer service first becomes available to such property.

15-B-7.

Prohibitions on Discharges into Sewer System. No person shall discharge, or permit to be discharged, into the Sewer System any storm water, roof or surface drainage. No person shall discharge, or permit to be discharged, into the Sewer System any industrial waste, chemicals or other matter: (a) having a temperature higher than 150° F; (b) containing more than 100 parts per million (ppm) by weight of fat or oil; (c) containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; (d) containing any unground garbage; (e) containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the Treatment Plant; (f) having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the Treatment Plant; (g) containing a toxic or poisonous substance (including wastes containing cyanide, copper and/or chromium ions) in sufficient quantity to injure or interfere with any sewage treatment process constituting a hazard to humans or animals or to create any hazard in the receiving waters of the Treatment Plant; (h) containing total solids of such character and in such quantity that unusual attention or expense is required to handle such materials at the Treatment Plant; or (i) containing noxious or malodorous gas or substance capable of creating a public nuisance, unless otherwise permitted, authorized or approved by the Township and the Commonwealth of Pennsylvania, or by any duly constituted board, commission or department thereof.

15-B-8.

Penalties for Violations. If any owner of property within the Township, or any other person, shall violate any of the provisions of Sections 15-B-6 or 15-B-7 of this Ordinance, he shall, upon conviction thereof before any District Justice, forfeit or pay to the use of the Township a sum not exceeding Six Hundred Dollars (\$600.00) for each ninety (90) days, or fraction thereof, that a violation of Section 15-B-7 shall persist, and a sum not exceeding Six Hundred Dollars (\$600.00) for each violation of Section 15-B-7, together with costs of prosecution, which sums shall be collected as prescribed by law. Any sum forfeited pursuant thereto shall be considered a penalty.

15-B-9.

Notices. Notices to property owners under this Ordinance may be given either by personal service or by certified mail sent to the last known address of such owner.



15-B-10.

Severability. The provisions of this Ordinance are severable. If any of its provisions shall be held to be illegal, such illegality shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Township Supervisors that this Ordinance would have been adopted had any such illegal provision not been included herein.

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Chapter 16

**UTILITIES (Reserved)**

Chapter 16

**UTILITIES**

Subchapter A - Cable Television (Reserved)



Chapter 17

**ZONING**

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby enact, reenact and ordain, in its entirety, the Zoning Ordinance of July 1990, originally enacted July 12, 1990, as amended, the complete title of which is as follows:

"An Ordinance to permit, prohibit, regulate, restrict and determine: Uses of land, watercourses and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other open spaces and distances to be left unoccupied by uses and structures; density of population and intensity of use; protection and preservation of natural resources and agricultural land and activities; especially regulating and restricting the height to which structures may be erected or object of nature grown, and otherwise regulating the use of property in the vicinity of the Seamans Field Airport by creating appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Zoning Map and the Seamans Field Airport Height Limitation and Zoning District Map which are incorporated herein by reference; and providing for: Special exceptions and variances administered by the Zoning Hearing Board; Conditional Uses administered by the Board of Township Supervisors; the administration and enforcement of this Ordinance and penalties for the violation thereof."

The Zoning Ordinance of the Township of LaPlume dated June 4, 1970 is hereby repealed.

Said Zoning Ordinance is hereby enacted, reenacted and ordained and is included in the Ordinance Book of the Township by reference. A complete copy of said Ordinance, as amended, is included in the unofficial, looseleaf copy of the Code, maintained by the Secretary of the Township pursuant to Section 7 of Ordinance No. 2 of 1996, adopting the Code of Ordinances of which this Ordinance is a part.

Copies of the Zoning Ordinance of July 1990 are available to the public from the Secretary of the Township at the cost of reproducing the same.

**AMENDMENT TO ZONING ORDINANCE - ORDINANCE NO. 1 OF 1996**

The Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania, does hereby enact, reenact and ordain, AN ORDINANCE TO AMEND THE ZONING MAP AFFIXED TO AND MADE A PART OF THE ZONING ORDINANCE OF THE TOWNSHIP OF LaPLUME, as follows:

Be it enacted and ordained by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, that the Zoning Map incorporated into and made a part of the Zoning Ordinance of the Township of LaPlume, adopted July 12, 1990, shall be and hereby is amended to provide that the area at U.S. Routes 6 and 11 (also known as Lackawanna Trail) lying southwesterly of said Routes 6 and 11 to a depth of four hundred (400) feet and running generally southeasterly from the existing C-1 General Business District on said southwesterly side of said Lackawanna Trail for a distance of approximately one thousand ten (1,010) feet to the easterly corner of the parcel known and designated on the Lackawanna County Assessment Map as Map No. 058.01-040-900, shall be and hereby is designated as a C-1 General Business District. The area in question, so marked upon the copy of the Zoning Map here attached, shall be in dimension approximately one thousand ten (1,010) feet in front along Routes 6 and 11, and 400 feet in depth, running of that depth parallel to said Routes 6 and 11, to include a rectangular parcel of land approximately one thousand ten (1,010) feet in front and 400 feet in depth, comprising an area of 9.34 acres of land, more or less.

It is the intention of this Amendment to the Zoning Ordinance of the Township of LaPlume to change the District classification of the parcel in question from R-2 Residential-Medium Density to C-1 General Business.

This Ordinance was originally enacted on February 8, 1996.



FORMS

Required by Chapter 17

Zoning

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TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

APPLICATION FOR ZONING PERMIT

Application No. \_\_\_\_\_

The undersigned Applicant(s) hereby apply for a Zoning Permit, under the LaPlume Township Zoning Ordinance of 1990, as re-adopted by the Township's Code of Ordinances (the "Code"), to permit the construction or use of real property in the Township, located at:

Road Description or Street Address:

\_\_\_\_\_

upon the following statement of facts:

1. The property consists of \_\_\_\_\_ square feet or \_\_\_\_\_ acres, with a frontage on the above public way of \_\_\_\_\_ feet and an average depth of \_\_\_\_\_.
2. The property is located in area which is designated as a \_\_\_\_\_ zone by the Zoning Ordinance of 1990.
3. All of the owners of legal title to the property are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Applicant(s)  
 Are the owners of the property (copy of deed of acquisition attached).  
 Have entered into a contract of purchase with the owners (copy of contract attached).  
 Are entitled to use the property for the purposes herein set forth (explanation of entitlement attached).
5. The use proposed hereby is:  
\_\_\_\_\_  
\_\_\_\_\_
6. Does the proposed use require approval as a Special Exception?  
 Yes  No





*For Use by Zoning Officer Only*

**Action of Zoning Officer**

Application No. \_\_\_\_\_ for a Zoning Permit dated \_\_\_\_\_, \_\_\_\_\_, as above set forth, is:

(     ) approved and Zoning Permit No. \_\_\_\_\_ is hereby granted;

(     ) disapproved for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Additional sheets numbered \_\_\_\_\_ to \_\_\_\_\_ are attached and included as the reason(s) for disapproval.)

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Officer  
Township of LaPlume

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA  
APPLICATION FOR HEARING  
ZONING HEARING BOARD

Application No. \_\_\_\_\_

Initial Fee: \$500.00

This is an Application for a hearing before the LaPlume Township Zoning Hearing Board for:

- ( ) a substantive challenge to the Township's Subdivision and Land Development Ordinance.
- ( ) a challenge to the adoption procedure of the Township's Zoning Ordinance.
- ( ) an appeal from the action of the Zoning Officer.
- ( ) an application for special exception.
- ( ) an application regarding administration of any flood plain regulations of the Township.
- ( ) Other: \_\_\_\_\_

The action or decision from which this appeal is taken occurred on \_\_\_\_\_, [All requests for hearing must be filed with the Zoning Hearing Board within thirty (30) days of such date.]

All of the owners of legal title to the affected property are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

each of whom must be an applicant or appellant hereunder.

A brief statement of the reason(s) for this appeal is/are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets if necessary. Each of the requirements of §17-8-2(a) must be explained in detail if a variance is sought.)

When a hearing has been scheduled, Applicant(s) must and shall conspicuously post notice of the time, place and date of the hearing, and the purpose(s) thereof, on the affected property at least one (1) week prior to the hearing.

The names and mailing addresses of all persons owning property within 200 feet of any of the boundaries of the affected property are set forth on a list attached to this Application.

Dated: \_\_\_\_\_

Applicant

Type or Print Name(s)

\_\_\_\_\_

\_\_\_\_\_

Signature(s)

\_\_\_\_\_

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

OCCUPANCY PERMIT

Permit No. \_\_\_\_\_

Dated: \_\_\_\_\_

Upon sworn application by or on behalf of the Owner and after actual inspection of the premises in question, which are designated, described and improved as follows:

Address: \_\_\_\_\_

Location: \_\_\_\_\_

Description of Improvements: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

An Occupancy Permit is hereby granted to use and occupy said premises for the following purposes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The property in question:

- (     )     has been constructed and completed in accordance with the Township's Code of Ordinances.
- (     )     is a pre-existing conforming use.
- (     )     is a pre-existing non-conforming use.
- (     )     is located in a floodplain area.
- (     )     is located in an airport hazard zone.

Fee: \$25.00.

\_\_\_\_\_  
Zoning Officer  
Township of LaPlume

TOWNSHIP OF LA PLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

NON-CONFORMING USE  
REGISTRATION FORM

Fee: \$25.00

Dated: \_\_\_\_\_

Upon application of \_\_\_\_\_,  
owners of the following described property:

Street or Road \_\_\_\_\_

Precise Location \_\_\_\_\_

Acreage or Lot Area \_\_\_\_\_ the ("Premises"),  
and after personal inspection of the Premises by the undersigned, a Permit is hereby  
granted to use the Premises for the following purpose, and limited to the area hereby  
designated:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

which was a legally existing use at the time of adoption of the Zoning Ordinance of the  
Township of LaPlume, as incorporated in the Township's Code of Ordinances, and at  
the time of adoption of any prior zoning ordinance of the Township of LaPlume which  
constituted such use as non-conforming.

No change, extension or alteration of such use, or the area on which such use is  
made shall be allowed without a Permit from the Zoning Officer, or approval of the  
Zoning Hearing Board.

Township of LaPlume

By: \_\_\_\_\_  
Zoning Officer

TOWNSHIP OF LAPLUME  
LACKAWANNA COUNTY  
PENNSYLVANIA

APPLICATION FOR PERMIT  
AIRPORT HAZARD AREA

Application No. \_\_\_\_\_

The undersigned Applicant(s) hereby apply for a Zoning Permit, under the LaPlume Zoning Ordinance of 1990, as re-adopted by the Township's Code of Ordinances (the "Code") to permit the use of real property in the Township of LaPlume designated as being in an Airport Hazard Area by §17-5-11 of the Code, upon the following statement:

Application is hereby made to (check one):

- plant a \_\_\_\_\_ (type) tree of a height of \_\_\_\_\_ feet;
- change the use of the land from \_\_\_\_\_ use to a \_\_\_\_\_ use;
- erect or establish a structure, on the property or area described below.

**Note: If the proposed tree(s), use or structure will not exceed thirty feet (30'), check this box  and only complete Questions 2, 3, and 4 (see §17-5-11(d)(10)).**

1. The property in question consists of \_\_\_\_\_ square feet or \_\_\_\_\_ acres, a sketch plan to approximate scale being attached hereto, noting and measuring those portions affected by Airport Surface Zones.
2. The address and location of the property is \_\_\_\_\_  
\_\_\_\_\_
3. All of the owners of legal title to the property are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Applicant(s)
  - Are the owners of the property (copy of deed of acquisition attached).
  - Have entered into contract of purchase with the owners (copy of contract attached).
  - Are entitled to use the property for the purposes herein set forth (explanation of entitlement attached).
5.  The tree or trees proposed to be planted are located on the sketch plan and are described by the type of tree and current height as follows:  
\_\_\_\_\_  
\_\_\_\_\_

6. ( ) The purpose of the change in use is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. ( ) The proposed structure(s) is/are located on the sketch plan, and are described by stories and height, outside dimensions and protrusions and proximity to the various Airport Surface Zones (as set forth in §17-5-11(c) of the Code):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

Applicant(s)

Type or Print Names

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(Signatures)

*For Use by Zoning Officer Only*

**Action of Zoning Officer**

Application No. \_\_\_\_\_ for a Permit in an Airport Hazard Area dated \_\_\_\_\_, \_\_\_\_\_, above set forth, is:

( ) approved and Permit No. \_\_\_\_\_ is hereby granted, upon the following conditions, including warning light installations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

( ) disapproved for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Zoning Officer  
Township of LaPlume



ORDINANCE NO. 1 - 1998

AN ORDINANCE OF THE TOWNSHIP OF LAPLUME, LACKAWANNA COUNTY, PENNSYLVANIA, DEFINING AND PROHIBITING NUISANCES, PROHIBITING THE STORAGE OR ACCUMULATION OF ABANDONED OR JUNKED MOTOR VEHICLES AND MOBILE HOMES, JUNK MATERIAL, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS IN A STATE OF DILAPIDATION OR DISREPAIR ON PRIVATE OR PUBLIC PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR THE REMOVAL OR ABATEMENT THEREOF ON PUBLIC OR PRIVATE GROUNDS AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, TO AUTHORIZE TOWNSHIP OFFICIALS TO ACCOMPLISH THE SAME AND TO COLLECT THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP INCLUDING THE PLACING OF LIENS FOR SUCH COSTS; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarranted or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, Act 60 of 1995, (53 P.S. §66529) (the "Act") authorizes Townships of the Second Class to prohibit nuisances by ordinance, to provide for the removal of the same, and to impose penalties for violations thereof.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

Article 1

Section 8-1-1. Section Numbers. The section designations hereof are established to incorporate and add this Ordinance to the 1996 Code of Ordinances of the Township of LaPlume,

dated September 12, 1996 (the "Code"), as Chapter 8, Nuisances.

Section 8-1-2. Title. This Ordinance shall be known and cited as the LaPlume Township Nuisance Ordinance of 1998.

Section 8-1-3. Definitions. For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

Township shall mean the Township of LaPlume, a municipal subdivision of the Commonwealth of Pennsylvania, which is located in County of Lackawanna, Pennsylvania.

Board of Supervisors shall mean the duly elected Board of Supervisors of the Township.

Owner shall mean the person owning record title to any real estate situate in whole or in part within the Township.

Person shall mean any natural person, partnership, association, corporation, or any other entity lawfully entitled to be an Owner.

Vegetation shall mean any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

Junk Yard shall have the meaning prescribed by Chapter 7 of the Code, as the same may be amended from time to time.

Dump shall have the meaning prescribed by Chapter 7 of the Code, as the same may be amended from time to time.

Nuisance shall mean an unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of such person's reasonable rights of person or property.

Abandoned or Junked Motor Vehicle shall mean any vehicle either in a non-serviceable condition or not having both a current inspection sticker and current registration plate.

## Article 2

Section 8-2-1. Nuisances Declared Illegal. Each Nuisance, as above defined, as well as the following uses which are also declared to fall within the definition of Nuisance, maintained or otherwise caused or allowed to exist by any person within the Township, is hereby declared to be illegal:

- A. The maintenance, or permitting to remain, on any parcel or contiguous parcels of land owned by the same Owner, of any size or nature, of two or more Abandoned or Junked Motor Vehicles, unless the same is done in conformity with Chapter 7, Junk and Junk Yards, of the Code.
- B. The maintenance of, or permitting to remain, on any parcel or contiguous parcels of land owned by the same Owner, of any size or nature, any mobile home which is not fit for human habitation, or which is inhabited or uninhabited, but unsafe, generally dangerous, and a fire hazard, or otherwise constitutes a habitat for rats, vermin or other animals, posing a health hazard to the occupant thereof or to the public generally.
- C. The maintenance on any parcel or contiguous parcels of land owned by the same Owner, of any size or nature, of a Junk Yard or a Dump, unless the same is done

in conformity with Chapter 7, Junk and Junk Yards, of the Code.

- D. Draining or flowing, or allowing to drain or flow, by pipe, drainage ditch or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, or cess pools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from any property onto any public highway, road, street, avenue, lane or alley, or from any property onto any adjoining property.
- E. Burning of vehicle tires or tar products.
- F. Igniting, setting, maintenance, operation, or conducting or permitting the establishment and maintenance of fire, combustion or manufacturing, or commercial or other process which produces, or shall be accompanied by, constant, periodic or occasional emissions of smoke, sparks, ash particles, burned sawdust and debris, or the creation and spreading of ash, debris, poisons and like materials on surrounding or adjacent property to the annoyance, disturbance and detriment of surrounding property owners, residents, passers-by and the traveling public.
- G. Maintaining or causing to be maintained, any dangerous structure, including but not limited to, abandoned or unoccupied buildings or parts of buildings in a state of dilapidation or disrepair. The Supervisors shall determine whether a building or structure is dangerous after considering whether any or all of the following criteria exist:
  - 1. A fire hazard to adjoining structures and other property within the

Township.

2. A danger of infestation by rats, vermin or disease carrying insects.
3. Buildings or structures whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a line passing through its center of gravity falls outside of the middle third of its base.
4. Buildings or structures which, exclusive of the foundation, show thirty (30%) percent or more of damage or deterioration of the supporting members, or fifty (50%) percent or more of damage or deterioration of the nonsupporting interior or outside walls or covering.
5. Buildings or structures which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
6. Buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety of the occupants or to others, whether permanent or transient, in the vicinity of such buildings or structures.
7. Buildings or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity, whether permanent or transient, of such buildings or structures.
8. Buildings or structures having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, fire escapes or other

means of access and egress.

9. Buildings or structures, parts of which are so insecurely attached that they may fall and injure members of the public or cause damage to property.
  10. Any other condition which, the Supervisors shall deem to be a health hazard, a potential health hazard, an unsafe condition, a potential fire hazard or a nuisance.
- H. Permitting the growth of any vegetation whatsoever, as above defined, to conceal any rubbish, garbage, trash or any other violation of this ordinance.
- I. Pushing, shoveling or otherwise depositing snow upon the cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.
- J. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

### Article 3

Section 8-3-1. **Investigation and Declaration of Nuisances.** Whenever it shall be reported to, or come to the attention of, any Township official that any building or mobile home is in a dangerous condition, or any other land use exists in the Township which might constitute a threat or potential threat to the health, safety or welfare of the residents of the Township, the Board of Supervisors shall immediately cause an investigation to be made of such condition. Said investigation shall be made and conducted by one or more of the members of the Board of

Supervisors or by an agent or agents appointed by them. The Board of Supervisors may, after investigation, find and declare any or all of the conditions defined or set forth in Article I, of this Ordinance as a Nuisance or health hazard, to be a nuisance in fact.

Section 8-3-2. **Notice to Abate Nuisances.** Upon finding that creation and maintenance of any of the above conditions is a Nuisance in fact, the Supervisors shall give the Owner and any lessee or other occupant of the property upon which said Nuisance is located, and any person permitting the maintenance of such a Nuisance, at least fifteen (15) days notice to completely remove, repair or abate the same. Such notice shall be sufficient and complete upon giving notice to the Owner, but lessees or other occupants of the property who maintain any Nuisance shall also be liable for the violation of this Ordinance, and shall remove, repair or abate the same upon the same notice.

#### **Article 4**

Section 8-4-1. **Written Notice to Violators Required.** Whenever a condition constituting or declared to be a Nuisance is found or determined, the Board of Supervisors shall cause written notice to be served upon the Owner, and the lessee or other occupancy if enforcement is to be sought against them, in one of the following manners:

1. By making personal delivery of the notice to the Owner, or the lessee or occupant, as applicable; or
2. By handing a copy of the notice at the residence of the Owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the premises in

violation; or

4. By mailing a copy of the notice to the last known address of the Owner by certified mail; or
5. By publishing a copy of the notice in a local newspaper of general circulation within Lackawanna County, Pennsylvania, once a week for three (3) successive weeks.

Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs or alterations or by fencing or boarding, or in some way confining and limiting the nuisance. Such notice shall require the Owner, or the lessee or other occupant, to commence action in accordance with the terms thereof within fifteen (15) days and thereafter, to prosecute compliance fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the Owner's expense; provided, however, if any of the provisions hereof is violated, and the circumstances of such violation require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

#### Article 5

Section 8-5-1. **Enforcement.** This Ordinance regulates, building, property maintenance, health, fire and public safety, and shall be enforced pursuant to 53 P.S. 566601(c.1) (2) of the Act.

1. Enforcement thereof shall be by an action before a District Magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may



assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby sets a criminal fine in the amount of One Thousand (\$1,000.00) Dollars per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten (10) days; provided further, that each day's continuance of a violation shall constitute a separate event.

2. The Board of Supervisors may direct the abatement, removal, repair, or alteration, as the case may be, to be done by the Township and shall certify the costs thereof to the Township Solicitor, the cost of such abatement, removal, repairs or alterations shall constitute a lien upon such premises from the time of such abatement, removal, repair or alteration, which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.
3. The Township, by means of a complaint in equity, may compel the Owner, or the lessee or other occupant, or both, of the premises on which the Nuisance is maintained to comply with the terms of any notice of violation, or seek any such other relief as a court of competent jurisdiction is empowered to afford.

Article 6

Miscellaneous

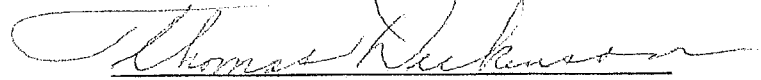
Section 8-6-1. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 8-6-2. **Repealer.** All Ordinances, or parts of Ordinances, inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 8-6-3. **Effective Date.** This Ordinance shall become effective five (5) days after the adoption hereof.

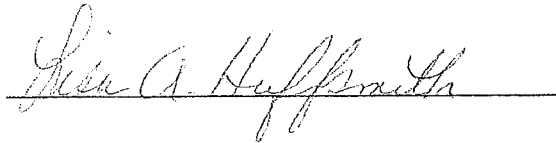
**ORDAINED AND ENACTED** by the Township of LaPlume, Lackawanna County, Pennsylvania, this 11th day of June, 1998.

BOARD OF SUPERVISORS  
TOWNSHIP OF LA PLUME




Chairman





ATTEST:

  
Township Secretary

ORDINANCE NO. 1 - 2001

AN ORDINANCE OF THE TOWNSHIP OF LA PLUME, LACKAWANNA COUNTY, PENNSYLVANIA, REQUIRING THE ESTABLISHMENT OF NUMERICAL DESIGNATIONS FOR ALL STRUCTURES INTENDED TO BE USED AS A DWELLING OR PLACE OF BUSINESS OR INDUSTRY OR ANY OTHER USE REQUIRING A LOCATION IDENTITY; REQUIRING COMPLIANCE BY THE OWNERS AND/OR OCCUPANTS OF SUCH STRUCTURE IN NUMBERING THE SAME; REQUIRING THE OWNERS AND/OR OCCUPANTS OF SUCH STRUCTURES TO NOTIFY THE UNITED STATES POSTAL AUTHORITIES OF THE NUMBER ASSIGNED TO EACH STRUCTURE SO OWNED OR OCCUPIED; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, the Board of Supervisors of the Township of La Plume, Lackawanna County, Pennsylvania, deem it to be in the best interest and general welfare of the citizens and residents of this Township to require the numbering of buildings to permit emergency vehicles to locate such structures and to establish a uniform system of identification of buildings by the County-wide emergency dispatching system; and

WHEREAS, Act No. 69 of 1933 (53 P.S. §66520) (the "Act") authorizes townships of the second class to adopt ordinances to require and regulate the numbering of buildings, and to impose penalties for violations of the ordinances of the Township enacting the same.

NOW, THEREFORE, being enacted and ordained by the Board of Supervisors of the Township of La Plume, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

Article 1

Section 17-3-1-1. Section Numbers. The section designations hereof are established to incorporate and add this ordinance to the 1996 Code of Ordinances of the Township of La Plume, dated September 12, 1996 (the "Code") as Subchapter 3 of Chapter 17, Zoning.

Section 17-3-1-2. Title. This ordinance shall be known and cited as the La Plume Township Building Numbering Ordinance of 2001.

Section 17-3-1-3. Definitions. For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

Township shall mean the Township of LaPlume, a municipal subdivision of the Commonwealth of Pennsylvania, which is located in County of Lackawanna, Pennsylvania.

Board of Supervisors shall mean the duly elected Board of Supervisors of the Township.

Owner shall mean the Person owning record title to any real estate situate in whole or in part within the Township.

Occupant shall mean the Person occupying a building legal title to which is in an Owner.

**Person** shall mean any natural person, partnership, association, corporation, or any other entity lawfully entitled to be an Owner.

**Building** shall mean any structure used or intended to be used as a residence dwelling or place of business or industry or any other use requiring a location identity, but not including any accessory building located upon a lot where there is also a primary Building required hereby to be numbered.

**Building Numbering Plan** shall mean a plan, not necessarily to scale, created and established by the Board of Supervisors, locating every Building situate in the Township.

### **Article 2**

Section 17-3-2-1. **Numbering.** The Board of Supervisors shall, substantially simultaneously with the enactment hereof, draft and establish a Building Numbering Plan for the Township, assigning building numbers to each Building located in the Township. The Building Numbering Plan shall be kept current by the Board of Supervisors by the addition of any newly constructed Building in the Township, and the assignment of a number thereto by the Board of Supervisors from time to time.

### **Article 3**

Section 17-3-3-1. **Notification of Numbers: Compliance.** The Board of Supervisors, through its officers and designated agents, shall notify the present Owners and Occupants of all Buildings in the Township of the number which has been assigned to said Building, and it shall be the duty of each Owner so notified to comply with the provisions of this Ordinance within sixty (60) days of such notification.

Section 17-3-3-2. Change; Renumbering. The Township shall have the power and authority to change the numbers of Buildings previously assigned in order to maintain a coherent plan of numbering in the Township and to facilitate the location of the Buildings by emergency vehicles. If a new number is assigned to a Building by the Board of Supervisor, the Owner and Occupant shall be notified of the change in number, and the Owner and Occupant so notified shall comply with the provisions of this Ordinance in recognition of the change of number of the Building within thirty (30) days of the notice given.

Section 17-3-3-3. Nature of Numbers. The number assigned to each Building in the Township in accordance with the provisions of this Ordinance shall affixed to, painted on, or carved into such Building, or upon a permanent, standard base or support between such Building and the street. The number of a Building on a corner lot or on two streets shall ensure that the number is visible from the street designated by the notice from the Township, notifying the Owner and Occupant of the number and street of the Building. Each number shall be at least three (3) inches high, shall be of such color and material as to be visible from the street, shall contain reflective material, shall be affixed to a contrasting background, and shall be continuously maintained in complete and legible form. The Owner shall remove all numbers that do not continue to conform to the requirements of this Ordinance, and shall reaffix numbers if the Building number is changed.

Section 17-3-3-4. Obligations of Occupant. In the event that the Building is occupied by a Person other than the Owner thereof, the Occupant shall be responsible for the placing of numbers upon the Building, and maintaining the same, as required by this

Ordinance; provided however, that the obligation of the Occupant shall not excuse the Owner from compliance with the terms hereof.

Section 17-3-3-5. New Buildings. Whenever a new Building shall hereafter be constructed in the Township, the Owner thereof shall, prior to occupying or permitting occupancy of the same, apply to the Township for the number assigned to such Building by the Township. The number shall be assigned by the Board of Supervisors in conformity with the requirements set forth in this Ordinance for numbers for existing Buildings, and shall be affixed by the Owner of the Building in the manner required by this Chapter in the case of existing buildings, prior to occupying or permitting occupancy of the Building.

Section 17-3-3-6. Cost of Compliance. The costs incurred by the Owner or Occupant in obtaining and displaying the Building number shall be borne by the Owner or Occupant and not the Township.

#### Article 4

Section 17-3-4-1. Notice to U.S. Postal Service. The Township shall notify the U.S. Postal Service servicing the Building of the number and street designation assigned by the Board of Supervisors to the Building. The Occupant shall thereafter use such number and street name as a part of the Owner's or Occupant's, as applicable, mailing address for receiving mail or other deliveries, in order to facilitate the coordination of emergency services agencies serving the Township.

Article 5

Section 17-3-5-1. Written Notice. As soon as the Board of Supervisors has completed the Building Numbering Plan for the Township in accordance herewith, the Board of Supervisors shall cause written notice, setting forth the number and street designation of the Building, to be served upon the Owner thereof, and upon each Occupant thereof, if the Building is occupied by other than the Owners, in one of the following manners:

1. By making personal delivery of the notice to the Owner and to the Occupant, if applicable; or
2. By handing a copy of the notice at the residence of the Owner to an adult member of the family with which the Owner resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
3. By fixing a copy of the notice to the door at the entrance of the Building; or
4. By mailing a copy of the notice to the last known address of the Owner by Certified Mail.

Section 17-3-5-2. New Numbers Notice. Notice of reassignment of numbers, or the assignment of numbers to newly constructed Buildings in the Township, shall be accomplished in the same fashion.

Section 17-3-5-3. Publication. In addition to the publication of notice of the adoption of this Ordinance, as required by law, the Board of Supervisors shall cause a general notice of the numbering of Buildings in the Township, and shall designate a place and times when Owners and Occupants may view the Building Numbering Plan in order to determine the number assigned to the Building which they own or occupy.



## Article 6

Section 17-3-6-1. **Enforcement.** This Ordinance regulates building, property maintenance, health, fire and public safety, and shall be enforced pursuant to 53 P.S. § 66601(c.1) (2) of the Act. Enforcement thereof shall be by an action before a District Magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases).

Section 17-3-6-2. **Fines.** Any person who shall violate the provisions of this Ordinance, upon conviction thereof, shall be sentenced to pay a fine of not more than One Hundred (\$100) Dollars, and costs of prosecution. Each weeks continuance of a violation under this Ordinance shall constitute a separate offence.

## Article 7

Section 17-3-7-1. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 17-3-7-2. **Repealer.** All Ordinances, or parts of Ordinances, inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 17-3-7-3. **Effective Date.** This Ordinance shall become effective five (5) days after the adoption hereof.

ORDAINED AND ENACTED by the Township of LaPlume, Lackawanna County,  
Pennsylvania, this 8th day of March, 2001.

(SEAL)

BOARD OF SUPERVISORS  
TOWNSHIP OF LA PLUME

Thomas Dickinson  
Chairman

Bruce Van Dyke

Lial Huffsmith

ATTEST:

Shirley Lewis  
Township Secretary

**ORDINANCE NO. 1 OF 2004**

**ORDINANCE OF THE TOWNSHIP OF LA PLUME AUTHORIZING  
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE  
TOWNSHIP AND CHELSEA COMMUNICATIONS, LLC, D/B/A  
ADELPHIA CABLE COMMUNICATIONS**

**WHEREAS**, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, the Township of La Plume, Lackawanna County, Pennsylvania (the "Township") is authorized to grant or renew franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Township's jurisdiction; and

**WHEREAS**, Chelsea Communications, LLC, doing business as Adelphia Cable Communications ("Adelphia") currently holds a franchise from the Township by virtue of cable franchise Ordinance No. 1, dated April 12, 1990, between La Plume Township and Northeast Cable, Inc. ("Northeast"); and

**WHEREAS**, Adelphia has acquired all of the assets and interests of Northeast, including the cable franchise with the Township, and has assumed all of the obligations of Northeast under said franchise; and

**WHEREAS**, Adelphia has requested a renewal of its franchise to maintain, construct, operate and upgrade its cable system over, under and along the aforesaid rights-of-way for use by the Township's residents; and

**WHEREAS**, the aforesaid rights-of-way to be used by Adelphia are public properties acquired and maintained by the Township at significant expense to the Township's taxpayers and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, the Township desires to protect and manage the aforesaid rights-of-way, ensure technical improvements to maintain a state-of-the-art cable systems, require high standards of customer service, obtain complimentary services for its public buildings, receive financial compensation for Adelphia's use of the Township's rights-of-way as provided by federal law, establish certain reporting requirements, and provide for the current and future cable-related needs of its residents; and

**WHEREAS**, the Abington Council of Governments (the "COG"), on behalf of the Township and certain other municipalities, held a public hearing on February 6, 2003, on the subject of cable franchise renewal, including reviewing the cable operator's past performance and identifying the Township's future cable-related community needs; and

**WHEREAS**, the Township has determined that Adelpia has the financial, legal and technical ability to provide cable services to subscribers located in the Township; and

**WHEREAS**, the Township, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Adelpia's franchise according to the terms and conditions contained in the cable franchise agreement negotiated on behalf of the Township by the COG, a copy of which is lodged with the Township Secretary and available for public review during normal business hours (the "Cable Franchise Agreement").

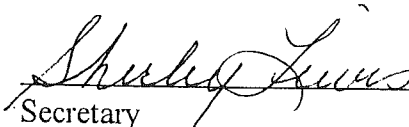
**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of La Plume, and it is hereby ordained by authority of the same, that the Township does hereby approve the Cable Franchise Agreement negotiated with Adelpia, including all of the terms and conditions contained therein, and does hereby authorize and direct the execution of the Cable Franchise Agreement by the officers of the Board of Supervisors, as of the 16th day of June, 2004.

**BE IT FURTHER ORDAINED** that Ordinance No.1 dated April 12, 1990 is hereby repealed, because it is inconsistent with the terms and conditions contained herein and in the Cable Franchise Agreement and with current federal law. Said repeal shall take effect upon the effective date of the Cable Franchise Agreement.

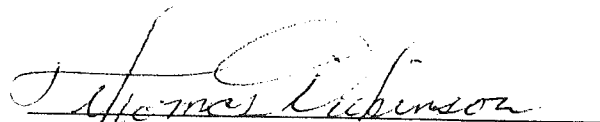
**THIS ORDINANCE** shall be effective on and after the 15th day of June, 2004.

**ENACTED AND ORDAINED** this 10th day of June, 2004.

ATTEST:

 (Township)  
Secretary (Seal)

BOARD OF SUPERVISORS  
TOWNSHIP OF LA PLUME

  
Chairman

# TOWNSHIP OF LAPLUME

ORDINANCE NO. 1 OF 2005

AN ORDINANCE TO PROVIDE FOR THE PUBLIC HEALTH AND SANITATION IN THE TOWNSHIP OF LAPLUME; TO AMEND AND RESTATE IN ITS ENTIRETY ORDINANCE NO. 3 OF 1987, PROVIDING FOR THE SAME; TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RECYCLABLE MATERIALS AND OTHER REFUSE MATERIAL; TO IMPOSE JOINT AND SEVERAL LIABILITY FOR VIOLATIONS OF THIS ORDINANCE ON THE RECORD OWNERS, LESSORS AND OCCUPANTS OF REAL PROPERTY IN THE TOWNSHIP OF LAPLUME; TO AUTHORIZE SOLICITATION OF BIDS FOR THE PUBLIC COLLECTION OF GARBAGE, RECYCLABLE MATERIALS AND OTHER REFUSE MATERIAL EITHER ALONE OR IN CONJUNCTION WITH THE BOROUGH OF DALTON, AN ADJACENT MUNICIPALITY; AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LAPLUME, LACKAWANNA COUNTY, PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED BY AUTHORITY OF THE SAME THAT:

## Section 1. - Definitions:

As used in this Ordinance, the following terms shall have the meanings indicated:

ASHES - coal ashes, coke ashes, wood ashes and other residue resulting from the burning of fuels uses for heating or cooking purposes.

COMBUSTIBLE RUBBISH - paper, rags, excelsior, straw, boxes, mattresses, scraps of materials, carpets, oil cloth, Christmas trees, prunings from vines, trees, shrubbery and like plants and other flammable waste materials other than those described under the terms GARBAGE and NON-COMBUSTIBLE RUBBISH.

DEAD ANIMALS - all dead animals and parts thereof not intended to be used as food for human beings.

EQUIVALENT DWELLING UNIT - a dwelling unit in a house or row of houses, mobile homes or manufactured homes, condominium units, being a building or portion thereof with food preparation services and/or sanitary facilities designed for occupancy by and use of one person or one family household; provided that the same

shall not include mobile homes or manufactured homes situate in a Mobile Home Park.

**GARBAGE** - dead animals, animal or vegetable refuse and the containers and packaging thereof arising from the storage, sale, preparation or use of food stuffs, such as meats, fish, fruits or vegetables and similar items; provided that the same shall not include Recyclable Materials.

**GARBAGE COLLECTOR** - that Person designated by the Township to collect and dispose of garbage, refuse, combustible refuse, non-combustible refuse and solid waste.

**MOBILE HOME PARK** - a Mobile Home Park is a parcel of land in common ownership on which are situated two or more mobile homes or manufactured homes either leased to others or which are owned by other than the owner of the parcel of land, but situated on mobile home sites on the parcel of land which are leased by the owner of the parcel and leased to the occupant.

**NON-COMBUSTIBLE RUBBISH** - glass, tinware, wire, crockery, metal, waste materials and other non-flammables refuse.

**NON-RESIDENCE PREMISES** - a class of property not used for dwelling purposes, including, but not limited to eating establishments, grocery stores, offices, retail and wholesale sales facilities and like properties.

**PERSON** - person shall mean an individual, a corporation, a partnership, a limited partnership, a limited liability company or any other entity organized for any business or charitable purpose.

**RECYCLABLE MATERIALS COLLECTOR** - that Person designated by the Township to collect and dispose of Recyclable Materials from the Township. The Recyclable Materials Collector may be, but shall not be required to be, the same Person designated as the Garbage Collector.

**RECYCLABLE MATERIALS** - those materials which are designated by the manufacturer thereof to be recyclable, including but not limited to glass and plastic bottles and cans in which beverages and food stuffs are sold. To the extent agreed to be collected by the Recyclable Materials Collector from time to time, Recyclables Materials shall also include newsprint and magazines.

**REFUSE** - garbage, ashes, combustible rubbish, non-combustible rubbish as defined herein.

SOLID WASTE - any waste, including but limited to municipal, residual or hazardous waste, including solid, liquid, semi-solid materials or contained as gaseous materials.

TOWNSHIP - the Township of LaPlume, County of Lackawanna, Commonwealth of Pennsylvania.

TRANSFER STATION - property which is used to accumulate garbage, refuse or solid waste materials to be transported subsequently to a land fill facility.

Section 2 - Permissive Nature

- A. Nothing herein is intended to require the Township to institute the public collection of garbage, refuse, solid waste, or recyclable materials, nor to require the Township to continue such public collection once instituted.
- B. Nothing herein is intended to require the Township to enter into a joint arrangement with the Borough of Dalton or with any other municipality for the collection of garbage, refuse, solid waste or recyclable materials, nor to require the Township to continue such joint arrangement, if instituted.

Section 3 - Prohibition of Storage

- A. No Person shall cause or permit garbage, refuse, solid waste or recyclable materials to be stored or accumulated at any location in the Township for a period of longer than one week. Each Person which produces, causes to produce or permits to be produced any garbage, refuse, solid waste or recyclable materials within the Township shall store the same, until proper disposition thereof can be achieved, in metal or equivalent cans or receptacles which shall be water tight and fitted with tight closing covers.
- B. No property in the Township shall be used as a Transfer Station.

Section 4 - Recyclable Materials

No Recyclable Materials shall be stored, accumulated or placed out for collection in the same containers in which garbage, refuse or solid waste is stored. Each occupant of any equivalent dwelling unit, each owner of a commercial or non-residential parcel and each owner of a Mobile Home Park shall ensure that Recyclable

Materials from such property are placed in separate containers and are placed out for collection in such a manner as to facilitate the separate collection of the Recyclable Materials.

#### Section 5 - Disposition

All garbage, refuse, solid waste and/or recyclable materials accumulated at any location within the geographical limits of the Township shall be collected, removed, and disposed of, no less frequently than on a weekly basis, at a garbage dumping, landfill site or recycling facility approved by the Pennsylvania Department of Environmental Resources.

#### Section 6 - No Importation

No person shall accumulate, store or set out for collection any garbage, refuse, solid waste or recyclable materials produced on or at any property other than on or at the property where such garbage, refuse, solid waste or recyclable materials have been produced. It shall be unlawful for any person to bring garbage, refuse, solid waste or used recyclable materials into the Township for any reason.

#### Section 7 - Accumulation and Dumping

No garbage, refuse, solid waste or recyclable materials shall be allowed to accumulate on the ground, nor be deposited on any highways, streets, roads, walks, alleys, lanes, ways, vacant lots, commons or streams located within the Township.

#### Section 8 - Inter-Municipal Cooperation

The Supervisors of the Township shall be, and hereby are, authorized to coordinate the collection of garbage, refuse, solid waste and recyclable materials with adjoining municipalities, especially including the Borough of Dalton. The Supervisors are hereby authorized to enter into mutual agreements with the Borough of Dalton or other municipalities for such purpose, concerning the collection and disposition of garbage, refuse, solid waste and recyclable materials, and upon such terms as the Supervisors deem appropriate. The Supervisors shall appoint one of their members as the coordinating officer to negotiate with the Borough of Dalton or any adjoining municipality, for the purpose of securing a mutually advantageous contractual arrangement; provided however, that such arrangement shall be subject to the final approval of the Board of Supervisors of the Township.

#### Section 9 - Commercial & Non-Residential Properties and Mobile Home Parks

The owner of each commercial or non-residential property and the owner of each Mobile Home Park shall be responsible for contracting with private sources to



secure the removal of garbage, refuse, solid waste or recyclable materials from the commercial or non-residential property and from Mobile Home Parks. To the extent that a part of the commercial property is also used by the owner or lessee thereof for residential purposes, the residential portion shall not be considered as an equivalent dwelling unit so long as the owner or lessee complies with the terms hereof by using the facilities provided by the commercial facility for collection and disposition of garbage, refuse, solid waste and recyclable materials from the residential facility.

#### Section 10 - Mobile Home Parks

The owner of the land on which a Mobile Home Park is situated shall be considered to be the owner of a commercial property and shall be required to comply with the terms of this Ordinance for the benefit of each mobile home or manufactured house situate at the Mobile Home Park and shall make and enforce such regulations with regard to the collection of garbage, refuse, solid waste and recyclable materials as shall comply with the terms of this Ordinance.

#### Section 11 - Authorized Collectors and Containers

The collection, removal and disposing of garbage, refuse, solid waste or recyclable materials shall be accomplished, in all events, whether public, private, commercial or non-residential, by Township employees, by responsible private collectors, or by such other collection agencies as may be engaged by the Township, utilizing motor driven vehicles equipped with water tight beds in such a manner as to assure general sanitation throughout the entire process and operation thereof. The storage and hauling of such garbage, refuse, solid waste or recyclable materials shall be accomplished only in conveyances and receptacles so constructed as to prevent the contents from spilling, dripping or otherwise falling upon any walk, street, road, highway, alley, lane or way.

#### Section 12 - Ownership

Ownership of garbage, refuse, solid waste or recyclable materials, after being set out for collection, shall be vested in the Township.

#### Section 13 - General Supervision

The collection and disposal of garbage, refuse, solid waste or recyclable materials in the Township shall be under the supervision of the Township Supervisors. The Board of Supervisors shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection and disposal of garbage, refuse, solid waste

or recyclable materials as may be deemed advisable, including collections on different days of the week, and to change and modify the same.

#### Section 14 - Fees and Liability for Payment

The fees for the removal of garbage, refuse, solid waste and recyclable materials shall be as follows:

- A. Each occupant of property in the Township, and each record owner of such property, subject to the provisions above set forth for commercial or non-residential property and Mobile Home Parks, shall be jointly, severally and individually responsible for compliance with the terms hereof and for the payment of the collection fees herein established. Each occupant of property and each record owner of such property shall be liable for any violation of any the provisions of this Ordinance. Any Lessor of real estate in the Township shall ensure that each of Lessor's tenants complies with the provisions hereof and such Lessor shall be personally liable for any violations hereof. The primary obligation to prevent the unlawful accumulation of garbage, refuse, solid waste or recyclable materials in the Township is hereby imposed upon the record owner of the location of such accumulation; provided however, that nothing herein shall insulate any occupant of such property from liability for such violation.
  
- B. The fee for collection of garbage, refuse, solid waste and recyclable materials from each equivalent dwelling unit shall be in an amount established by Resolution of the Board of Supervisors, from time to time, and shall be in such amount as is necessary to pay the costs of collection which have been contractually established by the Township with its Garbage Collector and/or Recyclable Materials Collector.
  
- C. All fees established pursuant hereto shall be paid semi-annually or annually, as elected by the owner or occupant.
  - 1.) All fees paid on an annual basis shall be paid on or before April 1 of each year.
  - 2.) All fees paid on a semiannual basis shall be paid on April 1 and July 1 of each year.

- 3.) All fees shall be considered delinquent thirty (30) days after the due date of each. A delinquency charge of 12% of the amount of the fee will be added to each unpaid balance.
  - 4.) All fees shall be deposited in an account to be established by the Township Supervisors. The account will be used to reimburse the Township Operating Budget for costs incurred directly for garbage, refuse, solid waste and recyclable materials removal.
- D. The Township and/or its Garbage Collector and/or its Recyclable Collector may discontinue all garbage, refuse, solid waste and recyclable materials collection service to any property or facility for which the fees are delinquent. Upon stoppage of service, service will only be resumed upon payment of all accumulated fees during the delinquency period, as well as all penalties and interest assessed against the account.

#### Section 15 - Nuisance

The unlawful accumulation of garbage, refuse, solid waste or recyclable materials in violation of the terms hereby is hereby declared to be a public nuisance and shall be subject to injunctive remedy in addition to any other remedies or penalties herein provided.

#### Section 16 - Exonerations

- A. Any equivalent dwelling unit which is totally unoccupied, and which generates no garbage, refuse, solid waste or recyclable materials for an entire calendar quarter, shall be exonerated from the charges as herein provided. Such exonerations shall be granted only after:
- 1.) The owner has filed an affidavit with the Township certifying to such vacancy; and
  - 2.) The Township approves the affidavit.
- B. For purposes of this section, a "calendar quarter" shall be defined as three (3) consecutive months.

- C. An exoneration given for one calendar quarter reduces the yearly fee paid by twenty-five (25%) percent. The owner of an unoccupied equivalent dwelling unit must request and receive exonerations during each subsequent calendar quarter by the same process.

#### Section 17 - Violations and Penalties

- A. Any person, whether as principal, agent or employee, violating or assisting in violation of any provision of this Ordinance or any regulation made by Township Supervisors under provisions hereof, shall, upon conviction thereof, before a District Judge, pay a fine of not less than Three Hundred (\$300.00) Dollars and not more than Five Hundred (\$500.00) Dollars and in default of payment of such fine and costs of prosecution, he violator shall be imprisoned in the county jail for a period of not more than thirty (30) days.
- B. Giving false information to Township officials in order to avoid or reduce payment of the fees herein established shall constitute a separate offense, which, upon conviction thereof before a District Judge shall be punishable by a fine of not less than Three Hundred (\$300.00) Dollars and not more than Five Hundred (\$500.00) Dollars and in default of payment of such fine and costs of prosecution, the violator shall be imprisoned in the county jail for a period of not more than thirty (30) days.

#### Section 18 - Discontinuance of Public Collection

Nothing herein shall be interpreted to require the Township to provide public collection of garbage, refuse, solid waste or recyclable materials . If public collection of garbage, refuse, solid waste or recyclable materials is commenced, nothing herein shall be interpreted to require the Township to continue such public collection. If public collection is not provided, or if, once provided, is discontinued, the remaining provisions of this Ordinance shall remain in full force and effect.

#### Section 19 - Rules and Regulations

The Township is hereby authorized to make and promulgate any additional rules and regulations for the collection, removal and disposal of garbage, refuse, solid waste and recyclable materials , not in conflict with this Ordinance, by Resolution of the Board of Supervisors from time to time. Any violations of the same shall be subject to the same penalties as provided in this Ordinance.

Section 20 - Severability

In any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable with the invalid portion removed.

Section 21 - Section Headings

The section headings hereof shall not be considered to be a part of this Ordinance, but shall be for reference only.

Section 22 - Repealer

Ordinance No. 3 of 1987 and any other Ordinances, or parts of Ordinances, in conflict herewith are hereby repealed; provided however, that the repeal hereof shall not operate to reinstitute Ordinance No. 1 of 1971.

Enacted and Ordained this 13<sup>th</sup> day of October, 2005, to be effective immediately.

BOARD OF SUPERVISORS

Thomas Reckinson

Chairman

Beve E. Jones

Lisa A. Hill-Smith

LA PLUME TOWNSHIP SUPERVISORS


LA PLUME, PENNSYLVANIA

May 25, 2009

To Whom it May Concern:

I hereby certify that this is a true and correct copy of La Plume Township Ordinance Number 1, 2008 amending Ordinance No. 1 of 1998 which defines and prohibits nuisances by augmenting the definition of nuisances, to prohibit the keeping of dogs making disturbing noise, providing for the enforcement of the ordinance, as amended hereby, ordained and enacted by La Plume Township, Lackawanna County, Pennsylvania on June 12, 2008.

ATTEST:



*Shirley Lewis*  
Shirley Lewis  
Township Secretary

ORDINANCE NO. 1 - 2008

**AN ORDINANCE OF THE TOWNSHIP OF LAPLUME, LACKAWANNA COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1 OF 1998, WHICH DEFINES AND PROHIBITS NUISANCES, BY AUGMENTING THE DEFINITION OF NUISANCES, TO PROHIBIT THE KEEPING OF DOGS MAKING DISTURBING NOISE, PROVIDING FOR THE ENFORCEMENT OF THE ORDINANCE, AS AMENDED HEREBY, MAKING CERTAIN EXCEPTIONS; AND PRESCRIBING PENALTIES FOR VIOLATION.**

WHEREAS, the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable or unwarranted use of private or public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, Act 60 of 1995, (53 P.S. '66529) (the "Act") authorizes Townships of the Second Class to prohibit nuisances by ordinance, to provide for the removal of the same, and to impose penalties for violations thereof.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

**Article 7**

Section 8-7-1. **Section Numbers.** The section designations hereof are established to incorporate and add this Ordinance to the 1996 Code of Ordinances of the Township of LaPlume, dated September 12, 1996 (the "Code"), reserved as Chapter 8, Nuisances. Article 1 through Article 6, inclusive, are included in Ordinance No. 1 of 1998, which shall remain in force, and which is to be read in pari materia with this Ordinance No. 1-2008.

Section 8-7-2. **Title.** This Ordinance shall be known and cited as the LaPlume Township Animal Nuisance Ordinance of 2008, which does hereby amend and expand the LaPlume Township Nuisance Ordinance of 1998 (the "1998 Nuisance Ordinance").

Section 8-7-3. **Definitions.** For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meanings given to them by 1998 Nuisance Ordinance, except as such definitions are amended hereby, but only to the extent the same cannot be reasonably reconciled with the terms hereof, and the terms, phrases, words and their deviations of the 1998 Nuisance Ordinance shall apply to this Ordinance 1-2008. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory. To the extent not defined in the 1998 Nuisance Ordinance, the following definitions shall apply.

Dog shall mean any domestic dog of the animal species canis lupus familiaris.

Animal Owner shall mean any Person having the right of property in any Dog; or who keeps a Dog in the Person's care or custody; or who knowingly and willingly permits a Dog to be maintained and housed in or about real estate occupied, through ownership or lease, by such Person.

Service Animal shall mean any Dog which has been formally trained as a guide animal or signal animal or has been trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intrusions, pulling a wheelchair or retrieving dropped or misplaced items.



## Article 8

Section 8-8-1. Subparagraph D of Section 8-2-1 of the 1998 Nuisance Ordinance, declaring the maintenance and storing of antique motor vehicles to be a nuisance under some conditions is hereby repealed.

## Article 9

Section 8-9-1. **Intent and Purpose.** The Board of Supervisors, finding that excessive levels of sound or continuous emanation thereof are detrimental to the physical, mental and social well-being of the people of the Township, as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound or continuous emanation thereof and the sources of excessive sound within the Township.

Section 8-9-2. **Nuisances Declared Illegal.** Each Nuisance, as defined by the 1998 Nuisance Ordinance, as well as the following uses which are also declared to fall within the definition of Nuisance, maintained or otherwise caused or allowed to exist by any Person within the Township, is hereby declared to be illegal:

K. Harboring, keeping, maintaining, or permitting to remain, on any parcel of land owned or occupied by any Person or Animal Owner, any Dog which causes or creates offensive noise, odors or unsanitary conditions which improperly impact on the health, comfort, safety or well-being of any other Person or the public generally, or otherwise causes or contributes to the commission or existence of a Nuisance defined herein.

Section 8-9-3. **Noise Disturbance.** It shall be unlawful for any Person or Persons to own, possess, harbor, or control any Dog which makes any noise continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for one-half hour or more to the disturbance of any Person any time of the day or night regardless of whether the Dog is physically situated in or upon public or private property, said noise being a nuisance; provided, that at the time the dog is making such noise no Person is trespassing or threatening to trespass upon private property in or upon which the Dog is situated, nor is there any other legitimate cause which justifiably provoked the Dog.

#### **Article 10**

Section 8-10-1. **Investigation and Declaration of Nuisances.** Whenever it shall be reported to, or come to the attention of, any Township official that any Dog is causing a Nuisance, as herein defined, the Board of Supervisors shall immediately cause an investigation to be made of such condition. Said investigation shall be made and conducted by one or more of the members of the Board of Supervisors or by an agent or agents appointed by them. The Board of Supervisors may, after investigation, find and declare any or all of the conditions defined or set forth in this Ordinance as a Nuisance or health hazard, to be a nuisance in fact. The Board of Supervisors does hereby designate the Zoning Officer, appointed from time to time by the Board of Supervisors as the Zoning Officer under the Township's Zoning Ordinance, as the agent of the Board of Supervisors for purposes of the investigation of conditions or complaints which may constitute a Nuisance hereunder, and to commence proceedings to abate such Nuisance as provided herein.

Section 8-10-2. **Notice to Abate Nuisances.** Upon finding that creation and maintenance of any of the above conditions is a Nuisance in fact, the Supervisors shall give the Owner and any lessee or other occupant of the property upon which said Nuisance is located, and any Person permitting the maintenance of such a Nuisance, at least fifteen (15) days notice to abate the same. Such notice shall be sufficient and complete upon giving notice to the Owner, but lessees or other occupants of the property who maintain any Nuisance shall also be liable for the violation of this Ordinance, and shall abate the same upon the same notice.

### **Article 11**

Section 8-11-1. This Ordinance shall not be deemed to prohibit or otherwise declare unlawful any agricultural uses protected from suits by Act No. 133 of 1982 of the Legislature of the Commonwealth of Pennsylvania.

Section 8-11-2. This Ordinance shall not apply to the Owners of Service Animals as they apply to the actions for which such Service Animals have been trained.

### **Article 12**

Section 8-12-1. **Enforcement.** This Ordinance regulates health, fire and public safety, and shall be enforced pursuant to 53 P.S. 566601(c.1) (2) of the Act.

- A. Enforcement thereof shall be by an action before a District Magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. At the direction of the Supervisors, the Township Solicitor or the Zoning Officer may assume charge of the prosecution without the consent of the District Attorney as

required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby sets a criminal fine in the amount of Six Hundred (\$600.00) Dollars per violation, and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten (10) days; provided further, that each day's continuance of a violation, after notice, shall constitute a separate event.

- B. The Township, by means of a complaint in equity, may compel the Owner, or the lessee or other occupant, or both, of the premises on which the Nuisance is maintained to comply with the terms of any notice of violation, or seek any such other relief as a court of competent jurisdiction is empowered to afford.

### Article 13

#### Miscellaneous

Section 8-13-1. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 8-13-2. **Repealer.** All Ordinances, or parts of Ordinances, inconsistent herewith, are hereby repealed to the extent of such inconsistency. Nothing herein is intended to act to repeal the 1998 Nuisance Ordinance, except as specifically provided herein.

Section 8-13-3. Effective Date. This Ordinance shall become effective five (5) days after the adoption hereof.

**ORDAINED AND ENACTED** by the Township of LaPlume, Lackawanna County, Pennsylvania, this 12<sup>th</sup> day of JUNE, 2008.

BOARD OF SUPERVISORS  
TOWNSHIP OF LA PLUME

  
Thomas Robinson

Chairman

Timothy Hoffert

[Signature]

(SEAL)

ATTEST:

Shirley Lewis  
Township Secretary

*M-1  
L. J. J. J. J.*

**ORDINANCE NO. 1 OF 2010  
TOWNSHIP OF LAPLUME**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF LAPLUME ENTITLED "AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFY DISTRICTS OR ZONES AND TO REGULATE THEREIN, BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE, AND THE NATURE AND EXTENT OF THE USES OF LAND IN THE TOWNSHIP OF LAPLUME AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATION THEREOF" TO AMEND THE ZONING MAP AFFIXED TO AND MADE A PART OF THE ZONING MAP OF THE TOWNSHIP OF LAPLUME.

Be it ENACTED and ORDAINED by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same, that:

Section 1. The Zoning Map incorporated into and made a part of the Zoning Ordinance of the Township of LaPlume, adopted July 12, 1990, shall be and hereby is amended to provide that the areas of the Township located as follows:

- a. Beginning at a point at the intersection of the northwesterly sideline of State Route 0438 with the right of way of the railroad tracks now or formerly of Erie Lackawanna Railroad; thence along said railroad tracks generally northwesterly, three hundred seventy (370), more or less, to a point on the division line of the Township of LaPlume and the Township of North Abington; thence in a generally westerly direction along the division line between the Township of LaPlume and the Township of North Abington, six hundred feet (600'), more or less, to a point; thence in a generally southeasterly direction, parallel to said railroad tracks, and four hundred feet (400'), distant therefrom, eight hundred fifty feet (850'), more or less, to a point on the northwesterly sideline of State Route 0438; thence northeasterly along the northwesterly sideline of State Route 0438, four hundred feet (400'), more or less, to the point of beginning.

Containing 5.29 acres, more or less

- b. Beginning at a point at the intersection of the southeasterly sideline of State Route 0438 with the right of way of the railroad tracks now or formerly of Erie Lackawanna Railroad; thence along said railroad tracks generally southeasterly, one thousand three hundred sixty feet (1,360') to the northwesterly sideline of State Route 4009; thence along the northwesterly sideline of State Route 4009 on a curve to the right, the chord of which is approximately four hundred seventy five feet (475'); thence in a generally northwesterly direction, one thousand one hundred feet (1,100'), more or less, four hundred feet (400') from and parallel to said railroad tracks, to the southeasterly sideline of State Route 0438; thence

along the southeasterly sideline of State Route 0438, four hundred feet (400'), more or less, to the point of beginning.

Containing 11.15 acres, more or less

- c. Beginning at a point at the intersection of the southeasterly sideline of State Route 0438 with the right of way of the railroad tracks now or formerly of Erie Lackawanna Railroad; thence along said railroad tracks southeasterly, one thousand three hundred sixty feet (1,360'), more or less, to the northwesterly sideline of State Route 4009; thence along the northwesterly sideline of State Route 4009 northeasterly, one hundred fifty feet (150') more or less to a point in LaPlume Township currently zoned M-1; thence along said M-1 zone northwesterly, three hundred feet (300'), more or less to a point; thence still along said M-1 zone northwesterly, one thousand one hundred ten feet (1,110'), more or less, to a point on the southeasterly sideline of State Route 0438; thence southwesterly along the southeasterly sideline of State Route 0438 one hundred feet (100'), more or less, to the place of beginning.

Containing 4.9 acres, more or less

- d. Beginning at a point at the intersection of the southeasterly sideline of State Route 4009 with the right of way of the railroad tracks now or formerly of Erie Lackawanna Railroad; thence along said railroad tracks, southeasterly, eight hundred ten feet (810'), more or less, to a point on the division line between the Township of LaPlume and the Township of North Abington; thence in a generally northeasterly direction, along the division line between the Township of LaPlume and the Township of North Abington, four hundred sixty five feet (465'), more or less, to a point; thence in a generally northwesterly direction, four hundred eighty feet (480'), more or less, four hundred feet (400') distant from and parallel to said railroad tracks to a point on the southeasterly sideline of State Route 4009; thence, southwesterly along the southeasterly sideline of State Route 4009, four hundred fifteen feet (415'), more or less, to the place of beginning.

Containing 6 acres, more or less

- e. Beginning at a point at the intersection of the southeasterly sideline of State Route 4009 with the right of way of the railroad tracks now or formerly of Erie Lackawanna Railroad; thence along said railroad tracks southeasterly, eight hundred ten feet (810'), more or less, to a point on the division line between the Township of LaPlume and the Township of North Abington; thence in a generally southwesterly direction, along the division line between the Township of LaPlume and the Township of North Abington, four hundred eighty feet (480'), more or less, to a point; thence in a generally westerly direction, one thousand three hundred twenty five feet (1,325'), more or less, four hundred feet (400') distant from and parallel to said railroad tracks, to a point on the southeasterly sideline of State Route 4009; thence northeasterly on a curve to the left, along the

southeasterly sideline of State Route 4009, the chord of which is approximately four hundred seventy five feet (475'), to the place of beginning.

Containing 10.07 acres, more or less

shall be and hereby are designated as a M-1 Manufacturing District. The area in question, so marked upon the copy of the Zoning Map here attached, shall be in dimension approximately two thousand five hundred forty feet (2,540') along the aforesaid railroad tracks and eight hundred (800) feet in depth, running of that depth parallel to said railroad tracks and being 400' in depth on each side of the railroad tracks.

It is the intention of this Amendment to the Zoning Ordinance of the Township of LaPlume to change the District classification of the above designated parcels from A-1 Agricultural to M-1 Manufacturing.

Section 2. The portion of the Zoning Map incorporated herein and marked-up to show the location of the areas above designated, is hereby adopted as an Amendment to the Zoning map and made a part thereof.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Enacted and ordained this 11th day of February, 2010, the same to be effective five (5) days after the date of enactment.

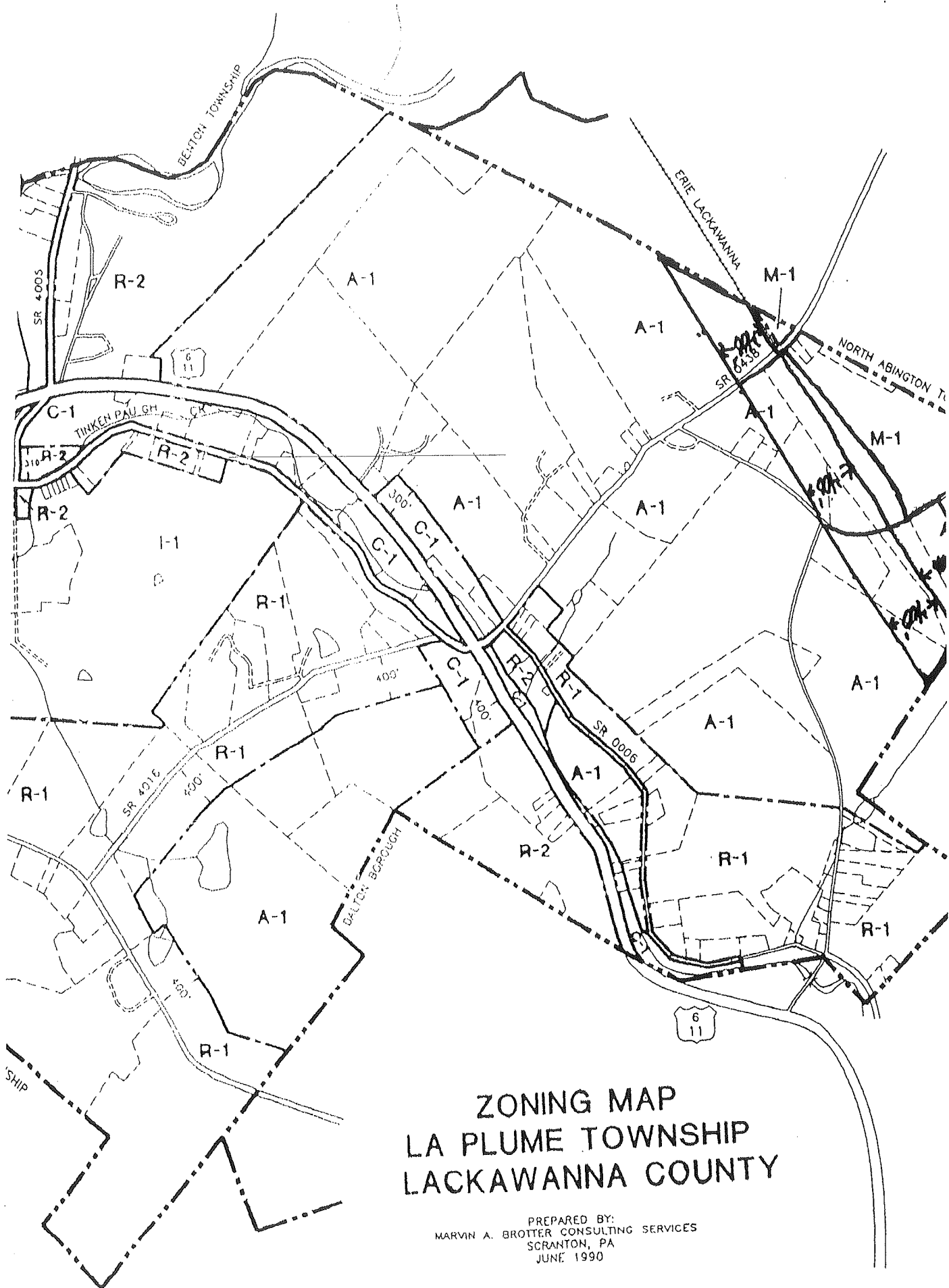
BOARD OF SUPERVISORS TOWNSHIP OF  
LAPLUME

By: Paul A. Hyatt  
Chairman

By: Paul J. Mahon  
Supervisor

By: \_\_\_\_\_  
Supervisor





# ZONING MAP LA PLUME TOWNSHIP LACKAWANNA COUNTY

PREPARED BY:  
MARVIN A. BROTTNER CONSULTING SERVICES  
SCRANTON, PA  
JUNE 1990

**ORDINANCE NO. 2 OF 2010  
TOWNSHIP OF LAPLUME**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF LAPLUME ENTITLED "AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFY DISTRICTS OR ZONES AND TO REGULATE THEREIN, BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE, AND THE NATURE AND EXTENT OF THE USES OF LAND IN THE TOWNSHIP OF LAPLUME AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATION THEREOF" TO PROVIDE THAT SECTION 609 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE BE FOLLOWED, RATHER THAN SECTION 607, SO THAT INITIATING DECISIONS CONCERNING THE ZONING ORDINANCE WILL BE MADE BY THE BOARD OF SUPERVISORS INSTEAD OF THE PLANNING COMMISSION, WITH A PROVISIO THAT SUCH PROPOSALS BE PRESENTED FOR REVIEW OF, AND RECOMMENDATION BY, THE TOWNSHIP PLANNING COMMISSION, THAT THE ZONING ORDINANCE BE AMENDED TO REVISE THE PROVISIONS REGARDING THE SIZE AND NUMBER OF ACCESSORY USES ON ANY LOT OR PARCEL OF LAND IN THE TOWNSHIP, AND TO REGULATE THE HEIGHT AND DIMENSIONS OF THE STRUCTURES PROPOSED TO BE INSTALLED ON THE LOT OR PARCEL, AND THAT THE ZONING ORDINANCE BE AMENDED TO ELIMINATE THE SECTIONS OF THE ZONING ORDINANCE IMPOSING AND FIXING FEES FOR ZONING ACTIONS AND TO PROVIDE THAT SUCH FEES SHALL BE ESTABLISHED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP FROM TIME TO TIME.

Be it ENACTED and ORDAINED by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same, that:

Section 1. Section 17-10-1 of the Zoning Ordinance of the Township of LaPlume, adopted July 12, 1990, shall be, and hereby is, amended in its entirety to read as follows:

"17-10-1. Procedure. The procedures set forth in Section 609 of the Municipalities Planning Code of the Commonwealth of Pennsylvania (53 P.S. §10609), as amended, shall be followed in the preparation of zoning ordinance amendments.

- a. Enactment. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- b. Referral to Township Planning Commission. The Board of Supervisors shall submit each such amendment to the Planning Commission at least

thirty (30) days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.

- c. Rehearings. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- d. Referral to County Planning Commission. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Lackawanna County Regional Planning Commission (LCRPC) for its recommendations. Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the LCRPC.”

Section 2. Section 17-4-2. Height Regulations of the Zoning Ordinance of the Township of LaPlume, adopted July 12, 1990, shall be, and hereby is, amended by adding a subparagraph c, which shall read as follows:

- “c. Except for those Permitted Exceptions set forth in subparagraph b above, the height of a building, including accessory structures, shall be, and be determined as, a number of feet achieved by calculating the distance between average ground level of the structure to the highest point of the structure, excluding chimneys.”

Section 3. Section 17-4-5. Number of Building Restricted. of the Zoning Ordinance of the Township of LaPlume, adopted July 12, 1990, shall be, and hereby is, amended in its entirety to read as follows:

“17-4-5. Number of Building Restricted. There shall not be more than one (1) principal dwelling structure, nor more than two (2) accessory structures, including a private garage, on each residential zone lot which consists of five (5) acres or less, except as otherwise provided herein for dwelling groups and large scale developments. For residential zone lots consisting of more than five (5) acres, one additional accessory structure shall be permitted for each seven (7) acres of the residential zone lot, or fraction thereof, in excess of five (5) acres, so that, for example:

- a. Three (3) accessory structures shall be permitted on a residential zone lot consisting of at least six (6) acres, and
- b. Four (4) accessory structure shall be permitted on a residential zone lot consisting of at least twelve (12) acres;

provided that the number of accessory structures on a residential zone lot of any size shall not exceed five (5), without a special exception as provided herein.

Section 4. Section 17-4-6. Accessory Structures, subparagraph a. Maximum Permitted Height. is hereby amended in its entirety to read as follows:

"Maximum Permitted Height. The height of an accessory structure shall not exceed one and a half (1½) stories or sixteen (16) feet, without a special exception as provided in this Zoning Ordinance."

Section 5. Section 17-4-6 is hereby amended to add subsection c. to Accessory Uses, as followed:

"c. While accessory use or structure is defined as a use or structure subordinate to the principal use of a building on the same lot, an accessory use or structure shall be permitted, as a special exception, on a lot prior to the time that the principal building is constructed or commenced on the lot, subject to such conditions and requirements as shall be established by the Zoning Hearing Board, especially including a requirement that the principal building be constructed in the lot within such reasonable time as the Zoning Hearing Board shall determine."

Section 6. Section 17-4-6 is hereby amended to add subsection d. to Accessory Uses, as follows:

"d. No accessory use or structure shall be designed or constructed to permit human habitation therein."

Section 7. Section 17-9-6 Fees. is deleted and the following Section 17-9-6 Fees. is adopted in its place.

"Section 17-9-6. Fees. The fees to be paid by the applicant for a requested zoning action shall be established from time to time by Resolution of the Board of Supervisors of the Township of LaPlume at a duly constituted regular or special meeting of the Board of Supervisors. Such fees shall be submitted by the applicant, together with the application, to the Zoning Officer or the Board, as appropriate.

Section 8. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Enacted and Ordained this 11<sup>th</sup> day of November, 2010, the same to be effective five (5) days after the date of enactment.

BOARD OF SUPERVISORS  
TOWNSHIP OF LAPLUME

By: Frank A. Hoffert  
Chairman

By: [Signature]  
Supervisor

By: Thomas A. Robinson  
Supervisor

**ORDINANCE NO. 3 OF 2010  
TOWNSHIP OF LAPLUME**

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF LAPLUME ENTITLED "AN ORDINANCE REGULATING THE SUBDIVISION AND THE DEVELOPMENT OF LAND IN THE TOWNSHIP OF LAPLUME, LACKAWANNA COUNTY, PENNSYLVANIA, PROVIDING FOR THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL APPLICATIONS, ESTABLISHING MINIMUM SUBDIVISION AND DEVELOPMENT DESIGN STANDARDS; REQUIRING CERTAIN IMPROVEMENTS TO BE GUARANTEED TO BE MADE BY THE SUBDIVIDER; REGULATING SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUB-DIVISIONS AND LAND DEVELOPMENTS; AND PRESCRIBING PENALTIES" TO PROVIDE THAT THE BOARD OF SUPERVISORS, RATHER THAN THE TOWNSHIP PLANNING COMMISSION, WILL HAVE THE SOLE POWER TO INITIATE DECISIONS UNDER THE TOWNSHIP'S SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, TO AMEND THE PROVISIONS REGARDING APPLICATIONS FOR LAND DEVELOPMENT TO MAKE SEPARATE AND DISTINCT PROVISIONS FOR ACCESSORY USES, AND TO ELIMINATE PROVISIONS REGARDING FEES FOR ACTIONS UNDER THE ORDINANCE AND TO PROVIDE FOR THE ESTABLISHMENT OF SUCH FEES BY RESOLUTION, FROM TIME TO TIME, OF THE BOARD OF SUPERVISORS.

Be it ENACTED and ORDAINED by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same, that:

Section 1. Section 12-1-1. Authority. of the Subdivision and Land Development Ordinance of the Township of LaPlume, enacted April 9, 1987, subsection b, is hereby repealed.

Section 2. Section 12-8-2. Definition of Terms. of the Subdivision and Land Development Ordinance of the Township of LaPlume, is hereby amended to add subsection a-1, Accessory Use or Structure, as follows:

"a-1 Accessory Use or Structure. A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building."

Section 3. Section 12-2-1 of the Subdivision and Land Development Ordinance of the Township of LaPlume, is hereby amended in its entirety to read as follows:

"12-2-1. Preparation and Filing of Application.

- a. Whenever a subdivision of land or a Land Development is desired to be effected, an application for such development plan shall be prepared, filed, and processed, according to the requirements of this Ordinance.
- b. The foregoing to the contrary notwithstanding, an application to add an accessory structure on a lot shall not be required to follow the requirements for other Land Development provided in this Ordinance, except as specifically provided in this Ordinance for accessory structures.
- c. The provisions of Section 12-3-11 Storm Drainage shall apply to the installation of an accessory structure on a lot, unless waived by the Board of Supervisors of the Township of LaPlume, upon advice and recommendation of the Township Engineer.”

Section 4. Article 5 Fees of the Subdivision and Land Development Ordinance, is hereby deleted in its entirety and the following Article 5 Fees is hereby adopted in its place.

“Article 5  
Fees

12-5-1 Fees. Fees required to be paid to the Township with regard to all Applications under this Subdivision and Land Development Ordinance shall be established, from time to time, by Resolution, approved at a duly constituted special or regular meeting of the Board of Supervisors of the Township of LaPlume.”

Section 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Enacted and ordained this 11<sup>th</sup> day of November, 2010, the same to be effective five (5) days after the date of enactment.

BOARD OF SUPERVISORS  
TOWNSHIP OF LAPLUME

By: Janet A. Hoffert  
Chairman

By: John M. [Signature]  
Supervisor

By: Thomas J. Dickinson  
Supervisor

**ORDINANCE NO. 1 OF 2011  
TOWNSHIP OF LAPLUME**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF LAPLUME ENTITLED "AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFY DISTRICTS OR ZONES AND REGULATE THEREIN, BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE, AND THE NATURE AND EXTENT OF THE USES OF LAND IN THE TOWNSHIP OF LAPLUME AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATION THEREOF TO PROVIDE FOR THE DEFINITION AND REGULATION OF RECREATIONAL VEHICLES IN THE TOWNSHIP, PROHIBITING THE USE OF RECREATIONAL VEHICLES FOR RESIDENTIAL PURPOSES EXCEPT IN PERMITTED ZONES, AND PROVIDING FOR FEES FOR SUCH USE.

Be it ENACTED and ORDAINED by the Board of Supervisors of the Township of LaPlume, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same, that:

Section 1. Article 11, **Definitions**, Section 17-11-1 of the Zoning Ordinance of the Township of LaPlume on July 12, 1990, is hereby amended to add a subsection **zz-1. Recreational Vehicle** to read as follows:

"**zz-1 Recreational Vehicle.** A transportable vehicle, intended and equipped for occupancy on a temporary basis by one or more persons for primarily recreational instead of transportation purposes. This may include a vehicle that is self-propelled, towed or carried by another vehicle. The term shall not include a mobile home.

Section 2. Article 11, **Definitions**, Section 17-11-1 of the Zoning Ordinance of the Township of LaPlume, adopted July 1, 1990, subsection **mm. Mobile Home Park** is hereby amended in its entirety to read as follows:

"**mm. Mobile Home Park.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots, or two or more recreational vehicle lots, for the placement of mobile homes or recreational vehicles thereon. Provisions regulating Mobile Home Park are set forth in Section 17-5-8.h.hereof."

Section 3. Article 5, **Supplementary Regulations, Standards and Criteria Governing Special Exceptions and Special Uses**, Section 17-5-8 of the Zoning Ordinance of the Township of LaPlume, adopted July 1, 1990, **Special Exceptions and Miscellaneous Uses**, subsection h. **Mobile Home Parks** is hereby amended in its entirety to read as follows:

"h. Mobile Home Parks. Mobile Home Parks shall meet the requirements of this section.

- (1) No mobile home park shall have an area of less than ten (10) acres.
- (2) Each mobile home site or space within the mobile home park intended for occupancy by a mobile home, shall have a minimum area of 5,000 square feet, provided further that the minimum width of each site shall be not less than fifty (50) feet.
- (3) Each mobile home site or space within the mobile home park intended for occupancy by a recreational vehicle shall have a minimum area of 3,000 square feet, provided further that the minimum width of each site shall not be less than fifty (50) feet.
- (4) No mobile home and no recreational vehicle shall be located within ten (10) feet of its respective site lines, provided further that there shall be no less than twenty-five (25) foot clearance between Mobile Homes, Recreational Vehicles, and any non-accessory building within the Mobile Home.
- (5) No Mobile Home and no Recreational Vehicle shall be located closer to any property line of the mobile home park or any abutting public street than thirty (30) feet or such greater distance as may be established by this Ordinance with respect to conventional buildings in the District where the mobile home park is located.
- (6) Each site or space for a Mobile Home or for a Recreational Vehicle, shall be equipped with a receptacle, dedicated to that site, for the receipt of sewage effluent and waste water, with provision for the transportation of same to a central sewage treatment facility.
- (7) Not less than ten (10%) percent of the gross area of the mobile home park shall be improved for the recreational use of the residents of the mobile home park.
- (8) All service and accessory buildings shall meet the requirements of this Ordinance and all other applicable codes and ordinances.
- (9) The mobile home park shall meet all applicable requirements of the Land Subdivision Regulations having jurisdiction within the Township, except as otherwise provided herein.



(10) Fees for the placement of recreational vehicles in a mobile home park shall be established by resolution of the Board from time to time.

Section 4. A new Section 17-3-8 is hereby added to the Zoning Ordinance of the Township of LaPlume, adopted July 1, 1990, to read as follows:

**"Section 17-3-8 Recreational Vehicle Parking**

a. No Recreational Vehicle, intended for occupancy, shall be permitted at any place in the Township, except as permitted in Mobile Home Parks herein provided.

b. A maximum of one (1) uninhabited, licensed Recreational Vehicle, in transportable condition, may be stored or parked on a lot outside an enclosed structure, provided that the following are met:

1) The Recreational Vehicle must be owned by one or more of the occupants of the property upon which the Recreational Vehicle is located.

2) The Recreational Vehicle shall not be stored in any front yard or in any yard abutting a street."

Section 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Enacted and Ordained this 8th day of December, 2011, the same to be effective five (5) days after the date of enactment.

BOARD OF SUPERVISORS  
TOWNSHIP OF LAPLUME

By: Paul C. Huffert  
Chairman

By: Thomas Dickenson  
Supervisor

By: [Signature]  
Supervisor

ORDINANCE NO. 1 2014

**ORDINANCE OF THE TOWNSHIP OF LA PLUME AUTHORIZING  
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE  
TOWNSHIP AND  
COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC**

**WHEREAS**, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, the Township of La Plume (hereinafter the "Township") is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Township's jurisdiction; and

**WHEREAS**, Comcast of Colorado/Pennsylvania/West Virginia, LLC ("Comcast") currently holds a cable franchise from the Township originally granted to Chelsea Communications, LLC d//b/a Adelphia Cable Communications; and

**WHEREAS**, Comcast has requested that the Township renew Comcast's franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-way for use by the Township's residents; and

**WHEREAS**, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Township and held in trust on behalf of citizens of the Township and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, the Township desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a technologically-advanced cable system, establish certain reporting requirements, obtain certain complimentary services, receive franchise fees for Comcast's use of the Township's rights-of-way as provided by federal law, establish certain reporting requirements and provide for the current and future cable-related needs of its residents; and

**WHEREAS**, the Township held a public hearing on the subject of cable franchise renewal, including reviewing the cable operator's past performance and identifying the Township's future cable-related community needs; and

**WHEREAS**, the Township has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; and

WHEREAS, the Township, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Comcast's franchise according to the terms and conditions contained in the cable franchise agreement negotiated between the Township and Comcast; and

WHEREAS, the Township has determined that Comcast has the financial, legal and technical ability to provide cable services to subscribers located in the Township;

NOW THEREFORE, BE IT ORDAINED that the Township Board of Supervisors does hereby approve the cable franchise agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ENACTED AND ORDAINED this 13<sup>th</sup> day of NOVEMBER, 2014.

ATTEST:

Shirley Lewis, Secy

TOWNSHIP OF LA PLUME

Linda Huffint  
Chairman, Board of Supervisors

La plume TOWNSHIP  
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 1

2015

**ORDINANCE AUTHORIZING THE PARTICIPATION OF  
LA PLUME TOWNSHIP IN THE PSATS UNEMPLOYMENT COMPENSATION  
GROUP TRUST PURSUANT TO THE PENNSYLVANIA INTERGOVERNMENTAL  
COOPERATION LAW**

WHEREAS, the PSATS Unemployment Compensation Group Trust ("Trust"), originally established in 1980, exists as an intergovernmental cooperative arrangement of municipalities to provide townships and certain other permitted governmental employers of Pennsylvania with a vehicle to pool resources and jointly leverage buying power to develop and maintain unemployment compensation insurance coverage; and

WHEREAS, the governing Declaration and Agreement of Trust for the Trust has been comprehensively updated, amended and restated effective July 16, 2014 (hereinafter "Restated Trust Agreement"); and

WHEREAS, pursuant to the Restated Trust Agreement any municipality wishing to commence participation in the Trust, or continue participation in the Trust after July 16, 2014, is required to take formal action in the form of an enacted ordinance in which the municipality agrees to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement; and

WHEREAS, La Plume Township has determined that it is in the best interest of the Township to participate in the Trust in accordance with the terms of the Restated Trust Agreement and to agree to and join in such Restated Trust Agreement; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. § 2301 et seq., a municipality may enter into an intergovernmental cooperative agreement upon the passage of an ordinance by its governing body.

The Board of Supervisors of La Plume Township, Lackawanna County, Pennsylvania does hereby **ENACT** and **ORDAIN**:

**Section 1.** That the Board of Supervisors adopts the Restated Trust Agreement and agrees to participate in the Trust in accordance with the amended and updated terms of the Restated Trust Agreement and that the Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to sign the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust.

The Restated Trust Agreement is on file for inspection and review at the Township's offices at Rt. 6/11, La Plume, Pa. 18440. The Restated Trust Agreement may be subsequently

modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

**Section 2.** That the participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.

**Section 3.** That, as set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

1. That each Participating Employer must meet the admission and eligibility requirements set forth therein;
2. That each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and
3. That each Participating Employer complies with all other conditions of the Restated Trust Agreement.

**Section 4.** That the Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

**Section 5.** That the effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be 4-9-15.

**Section 6.** That each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

**Section 7.** That the organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

**Section 8.** That the funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

**Section 9.** That the Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

**Section 10.** That as a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

**Section 11.** That the Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

**Section 12.** The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Ordinance and comply with the requirements of the attached Restated Trust Agreement and any duly adopted amendments thereto.

**Section 13.** The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

**Section 14.** The Board of Supervisors hereby specifically finds and determines as follows:

1. The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein.
2. The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement.
3. The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement.
4. The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required.
5. The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement.
6. All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement.
7. The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employee and dependents.

**Section 15.** The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Board of Supervisors that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

**Section 16.** Nothing in this Ordinance shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Ordinance.

**Section 17.** This Ordinance shall take effect five (5) days from the date of adoption.

This Ordinance is being enacted pursuant to the provisions of the Pennsylvania Intergovernmental Cooperation Law, Act of July 12, 1972, No. 180, as amended, 53 Pa.C.S. §§ 2301, et seq.

ENACTED and ORDAINED this 9th day of April 2015.

BOARD OF SUPERVISORS OF  
LA PLUME TOWNSHIP

P.J. Mah

Lara Hoffart

Thomas Robinson

ATTEST:

Shirley Lewis  
Secy -  
4-9-15