Chapter AO. Adopting Ordinance

ATTACHMENTS
AO

Chapter FS. Fee Schedule

[Resolution No. 2024-1: A Resolution of the Borough of Canton Establishing A General Fee Schedule and Charges and Repealing All Resolutions Inconsistent Therewith]
Whereas, the Council of the Borough of Canton, desires to establish a general fee schedule and to repeal all resolutions inconsistent herewith.

Now, Therefore, Be It Resolved, that effective January 14, 2019, the following General Fee Schedule and Charges be established for the Borough of Canton to remain in effect until changed by appropriate action of Borough Council:

§ FS-101. General Fee Schedule and Charges.

Subject	Fee
Requests for Public Records	
Postage	Actual cost of mailing
Photocopies	$.25 per page
Certification of a public record	$5.00 per record
Specialized documents (blue prints, color copies, non-standard sized documents)	Actual cost
Note: prepayment will be required if the fees are expected to exceed $100.	
Administrative Fees	
Delinquent invoice:	
After 30 days	$15.00
After 60 days	10% annually
After 90 days it will be turned over to a collection agent	
Returned check/insufficient funds bank fee	$30.00
Peddler's/Solicitor's permit (per day)	$30.00
Police Department Fees	
Accident/Police/Incident Report	$15.00
Parking Violations:	
Facing traffic	$25.00
On sidewalk/curb	$25.00
No parking zone	$25.00
Improper parking	$25.00
Blocking intersection, alley, drive, fire hydrant, crosswalk, flow of traffic	$25.00
30 feet of stop sign or intersection	$25.00
Double parked	$25.00
Illegal parking	$25.00

Subject	Fee
Handicapped space (marked)	$50.00
War Memorial Pool Fees	
Season Pass (Family — up to 4)	$160.00
Each person over "up to 4"	$15.00
Season Pass (Individual)	$100.00
Season Pass (Group — 10 people)	$400.00
Each person over "10"	$35.00
10 Day Punch Card	$25.00
Daily pass (adult and student)	$5.00
Daily pass (age 4 and under)	$3.00
All Night Swim	$2.00
Daily pass (non-swimmers)	$2.00
Adult swim	$2.00
Dive Ins	$2.00
DJ Nights/Teen Night	$2.00
Swim Lessons	$40.00 (w/pass)
	$45.00 (w/o pass)
Pavilion rental	$20.00 per day
Community Swim Day	$300.00
Private pool party:	$70.00 per hour
♦ After hours (includes pavilion, pool, bathhouse)	
♦ Maximum 50 people	
♦ If concession stand open, another	$10.00 per hour
$20 discount on season passes prior to opening day	
Street Department Fees	
Sterling Dump Truck	$100.00/hr plus wages for driver
Ford F550 Truck	$100.00/hr plus wages for driver
Backhoe	$100.00/hr plus wages for driver
Roller	$50.00/hr plus wages for driver
Sweeper	$120.00/hr plus wages for driver
Lawnmower	$10.00/hr plus wages for driver
Weedeater	$10.00/hr plus wages for operator
Chipper	$20.00/hr plus wages for operator
Snowblower	$20.00/hr plus wages for operator
Metal plate	$10.00 per day
Mileage	IRS approved rate
Anti skid	Actual cost
Salt	Actual cost
Cold Patch	Actual cost
Pipe	Actual cost
Street Supervisor straight wage	$30.51per hour
Street Supervisor overtime wage	$41.21 per hour
Full Time Street Employee straight wage	$26.16 per hour
Full Time Street Employee overtime wage	$35.00 per hour
Part Time Street Employee straight wage	$11.60 per hour

Subject	Fee
Part Time Street Employee overtime wage	$17.40 per hour
Street Excavation	
Street Opening Permit (flat fee)	$150.00 + $1.00 per square foot
Street Opening Permit when it includes boring (flat fee)	$200.00 + $1.00 per square foot
Weekend opening, boring and excavation (flat fee)	$250.00 + $1.00 per square foot
Supplemental fee for each extension and submitted charge	$15.00
Supplemental fee for Emergency Permits	$20.00
Additional fee if applications are not filled out on the first available business day	$20.00
Additional fee if restoration work is not completed within six (6) months of street opening permit application	$100.00
Zoning Fees	
Zoning Permits:	
Accessory Development	$30.00
Residential Development	$100.00
Non-Residential Development	$300.00
Signs: Fees for the issuance of Zoning Permits for the erection or placement of all signs shall be as follows:	
Specific Non-Commercial Signs	$15.00
Nonconforming Uses Signs	$20.00
Business Identification Signs	$50.00
Billboards or Advertising Sign Boards	$75.00
Certificate of Use Permit	$25.00
Reconsideration of Application	$50.00
Zoning Hearing	$500.00
Includes 1/2 of the stenographer fee and non-refundable Continuance Fee	$200.00
Conditional Use Hearing	$500.00
Includes 1/2 of the stenographer fee and non-refundable Continuance Fee	$200.00
Special Exception Hearing	$500.00
Includes 1/2 of the stenographer fee and non-refundable Continuance Fee:	$200.00
Variance Hearing	$500.00
Includes 1/2 of the stenographer fee and non-refundable Continuance Fee:	$200.00
Ordinance Amendment	$500.00
Zoning Map Amendment	$500.00
Certificate of Nonconformance	$25.00
Temporary Use:	
Initial permit	$50.00
Additional day each	$10.00
Seasonal temporary use	$100.00
Assessment Permit Fees	
Detached garage less than 1,000 square feet	$100
Pole barn or other agricultural building	$100 (plus $.50/square foot over 500 square feet)

Subject	Fee
All other structures	
Outbuildings (storage buildings, gazebos, sheds, etc.) — 150 square feet and over	$75 (plus $.50/square foot over 500 square feet)
Open deck with floors less than 30" above grade including concrete pad	$75
Mobile home and/or manufactured home	$150
Mobile home park	$100 (plus $10.00/every space over 50)
Fences under 6' high	$50
Sidewalks	$50
Roofing	$50
Siding	$50
Fence and Walls Ordinance Waiver Fee	$50
Rental Inspection Fees	
Property Registration Fee	$50 per rental property
Rental Occupancy Permit Fee	Waived for initial inspection
	$25 per occupancy change
Inspection Fee	$50 Single family
	$40 Duplex per unit
	$35 Multi family per unit
Subsequent Inspection Fee	$25 per unit
No Show Inspection Fee	$20 per inspection
Code Enforcement (SWEEP)	
QOL-000, Violation of Property Maintenance Code	$100.00
QOL-001, Storing of Hazardous Material	$100.00
QOL-002, Borough Permit to be Displayed	$100.00
QOL-003, Accumulation of Rubbish or Garbage	$50.00
QOL-004, Animal Maintenance and Waste/Feces Cleanup	$50.00
QOL-005, Disposal of Rubbish or Garbage, Dumping	$50.00
QOL-006, High Weeds, Grass or Plant Growth	$50.00
QOL-007, Littering or Scattering Rubbish	$50.00
QOL-008, Motor Vehicles	$50.00
QOL-009, Outside Placement of Indoor Appliances/Furniture	$50.00
QOL-010, Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping and Illegal Hauling	$50.00
QOL-011, Storage Containers for Waste or Trash	$50.00
QOL-012, Placement of Littering by Private Advertising Matter	$50.00
QOL-013, Snow and Ice Removal from Sidewalks	$50.00
QOL-014, Swimming Pools	$50.00
QOL-015, Burning	$50.00
Appeal Hearing Application fee	Amount three times the fine
Floodplain Fees	
Per Code Inspections, Inc.	
Building Permit Fees (UCC)	
Per Code Inspections, Inc.	

Further Resolved, that if any provision, sentence, clause, section or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining

provisions, sentences, clauses, sections or parts of this Resolution, and it is hereby declared to be the intent of the Borough Council of the Borough of Canton that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

Further Resolved, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

Further Resolved, that the aforesaid schedule shall represent a limited, but not exhaustive list of fees and charges which may be imposed by the Borough of Canton.

Further Resolved, that fees are subject to change by Resolution; please contact the Canton Borough Office to confirm.

Resolved, this 2nd day of January, 2024.

Attest:	**Canton Borough**
(Seal)	Bradford County
Amy C. Seeley	Michael D. Shultz
Borough Secretary	President

Chapter 1. Administration and Government

ATTACHMENTS
Attachment 1 - Public Record Review-Duplication Request
Attachment 2 - Denial of Request to Review and-or Duplicate

PART 1. BOROUGH MANAGER

§ 1-101. Creation of the Office.

[Ord. No. 2023-613, 12/11/2023[1]]

The office of Borough Manager is hereby created by the Borough of Canton.

[1] *Editor's Note: This ordinance also repealed former Part 1, Borough Administrator, adopted by Ord. 312, 5/10/1976; as amended by Ord. 470, 9/14/1998.*

§ 1-102. Appointment and Removal.

[Ord. No. 2023-613, 12/11/2023]

The Borough Manager shall be appointed for an indefinite term by a majority of all members of Council. The Borough Manager shall serve at the pleasure of the Council and he may be removed at any time by a majority vote of all its members. At least 90 days before any such removal is to be effective, the Council shall furnish the Borough Manager with a written statement setting forth its intention to remove him.

§ 1-103. Qualifications.

[Ord. No. 2023-613, 12/11/2023]

The Borough Manager shall be chosen solely on the basis of executive and administrative abilities with special reference to the duties of the office as herein outlined. The Borough Manager is encouraged to be a resident of the Borough, but such residency is not a requirement.

§ 1-104. Bond.

[Ord. No. 2023-613, 12/11/2023]

Before entering upon his duties the Borough Manager shall give a bond to the Borough with a bonding company as surety, to be approved by the Council, in a sum to be determined by the Council conditioned upon the faithful performance of his duties. The premium for said bond to be paid by the Borough.

§ 1-105. Borough Manager Employment Agreement.

[Ord. No. 2023-613, 12/11/2023]

An employment agreement shall be executed between the Council and the Borough Manager. The following topics will be considered: salary, hours of work, vacation and any other terms and conditions of employment.

§ 1-106. Powers and Duties.

[Ord. No. 2023-613, 12/11/2023]

1. The Borough Manager shall be the chief administrative officer of the Borough and shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough placed in his charge. The powers and duties of administration of all Borough business shall be vested in the Borough Manager.
2. Subject to recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:
    A. To assist the Council in fixing wages, salaries and other conditions of employment of all persons under his supervision.
    B. To prepare and submit to Council, before the close of each fiscal year, a budget for the next fiscal year, together with whatever explanations of the budget are reasonably necessary. In preparing the budget the Borough Manager, or an officer designated by him, shall obtain from the head of each department, agency or board or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required. The Borough Manager shall review such estimates and may revise them before submitting the budget to Council.
    C. To be responsible for the administration of the budget after its adoption by the Council.
    D. To develop, in conjunction with the preparation of the yearly budget, long range fiscal plans for the Borough, such plans to be presented annually to the Council for its review and adoption.
    E. To hold such other Borough offices and to head such Borough departments as the Council may from time to time direct.
    F. To attend all meetings of Council and its committees with the right to take part in the discussions. The Borough Manager shall receive notice of all special meetings of Council and its committees.
    G. To prepare the agenda for each meeting of Council and to supply information to the Council that they will need in considering the items on the agenda.
    H. To keep the Council informed as to the conduct of Borough affairs; to submit periodic reports on the condition of the Borough finances and such other reports as the Council requests; to make recommendations to the Council as he deems advisable.
    I. To submit to Council, as soon as possible after the close of the fiscal year, a complete report on the finances and the administrative activities of the Borough for the preceding year.
    J. To see, with the help of the Borough Solicitor, when needed, that provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
    K. To advise the Council in regard to hiring experts and consultants that the Borough may need to do work for the Borough and to advise the Council in connection with any of the functions of the Borough.
    L. To attend, with the help of the Borough Solicitor when needed, to the letting of contracts in due form of law. The Borough Manager, with the help of the Borough Solicitor when needed, shall supervise the performance and faithful execution of these contracts except insofar as such duties are expressly imposed by statute upon some other Borough Officer.

M. To see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough claims.

N. To serve as purchasing officer of the Borough and to purchase in accordance with the provisions of the Borough Code all supplies and equipment for the agencies, boards, departments and other offices of the Borough. The Borough Manager shall keep an account of all purchases and shall, at each regular monthly meeting of the Council, make a full written report thereof. He shall also issue rules and regulations, subject to the approval of Council, governing the procurement of all Borough supplies and equipment.

O. To investigate and dispose of, or to designate an officer to investigate and dispose of, all complaints regarding Borough services. All complaints regarding Borough services shall be referred to committee chairmen or appropriate Borough personnel.

P. To assist the Borough Solicitor in preparing such ordinances and regulations as the Council may direct.

Q. To maintain contact with agencies and persons outside the Borough in connection with matters that affect the Borough and to bring information to the Council from these agencies and persons so that the Council can make the best possible decisions in regard to Borough business.

§ 1-107. Disability or Absence of the Borough Manager.

[Ord. No. 2023-613, 12/11/2023]

If the Borough Manager becomes ill or needs to be absent from the Borough, the Council shall designate some other person or persons to perform the duties of the Manager during his/her absence or disability.

PART 2. PLANNING COMMISSION

§ 1-201. Creation of Commission.

[Ord. 216, 12/10/1958; as revised by Ord. 470, 9/14/1998]

A Borough Planning Commission to be composed of five members, appointed as provided by law (53 P.S. § 10202), is hereby created in and for the Borough. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Borough planning agencies; provided, the Planning Commission previously created in and for the said Borough shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Borough planning commissions in effect at the time of the happening of the said vacancy.

PART 3. NONUNIFORMED MUNICIPAL PENSION PLAN

§ 1-301. Name.

[Ord. 388, 12/2/1985; as amended by Ord. 470, 9/14/1998]

The pension program name shall be the "Borough of Canton Nonuniformed Municipal Pension Plan."

§ 1-302. Effective Date.

[Ord. 388, 12/2/1985]

The effective date of this pension plan shall be December 1, 1984.

§ 1-303. Eligibility.

[Ord. 388, 12/2/1985; as amended by Ord. 484, 11/13/2000]

In order for a Borough employee to be eligible to participate in this pension program, the employee must have

completed his or her probation period for the Borough and be 18 years of age or older.

§ 1-304. Contributions.

[Ord. 388, 12/2/1985; as amended by Ord. 395, 1/12/1987; by Ord. 417, 12/12/1988; by Ord. 420, 6/12/1989; and by Ord. 479, 3/13/2000]

The Borough agrees to pay 15.25% of each eligible employee's annual salary into the pension program. Also, if an eligible employee wants to make additional voluntary contributions to his or her plan, they shall be permitted to do this.

§ 1-305. Retirement Benefits.

[Ord. 388, 12/2/1985]

At the time the employee retires he or she will have the option to take his or her retirement in a lump sum or by periodic payments and he or she will have the right to make the decision of how he or she wants to take these payments at that time.

§ 1-306. Trustee.

[Ord. 388, 12/2/1985; as amended by Ord. 470, 9/14/1998]

The municipal pension fund shall be under the direction of the Council of this Borough or such committee or persons as the Council of this Borough may, from time to time, designate by resolution, who shall act a trustee of the pension fund and such trustees shall have full responsibility for the administration of the program established hereunder and shall hold, invest, reinvest and distribute all funds or other property received pursuant hereto in trust for the purposes of this Part. The trustee for the pension program shall be the Canton Borough Council or any committee composed of Council members that the Council designates to act as trustee for it.

§ 1-307. Investment.

[Ord. 388, 12/2/1985]

The investment of the contributions made by the Borough and the eligible members shall be directed by the trustee.

§ 1-308. Vesting.

[Ord. 388, 12/2/1985]

If the employee reaches normal retirement age, which is 65 years of age, or if he or she elects to take early retirement which will be when he or she reaches 62 years of age or if the employee becomes totally disabled he or she will be eligible to receive 100% of his or her pension. If the employee has worked for the Borough for six full years of full-time employment and then leaves the employment of the Borough he or she will be entitled to receive the cash value of the amount that has been invested by the pension program for that employee. This payment will be made to the employee at the time when the employee would normally retire or when the employee would take early retirement at age 62 if the employee decides to take early retirement or when the employee becomes totally disabled. If an employee leaves the employment of the Borough prior to the time that he or she has worked for the Borough as a full-time employee for six full years, the employee shall be entitled to receive from the pension program the amount that has been paid into the pension program from the employee's monies, together with interest, if any, earned by such monies while in the pension program. If such termination or discontinuance of employment is due to death, such refund of money shall be paid to the employee's designated beneficiary, or in the absence thereof, to his or her estate.

§ 1-309. Administration.

[Ord. 388, 12/2/1985; as amended by Ord. 470, 9/14/1998]

1. As stated above, the municipal pension fund shall be under the direction of the Council of this Borough or such committee or persons as the Council of this Borough may, from time to time, designate by resolution, who shall act as trustee of the pension fund and such trustees shall have full responsibility for the administration of the program established hereunder and shall hold, invest, reinvest and distribute all funds or other property received pursuant hereto in trust for the purposes of this Part. The trustee may receive at any time and from time to time gifts, grants, devises or bequests to the pension fund of any money or property, real, personal or mixed, to be held by the trustee in trust for the benefit of this fund and in accordance with the provisions hereof. The trustee shall be subject to such rules and regulations as may, from time to time, be adopted by the Council of this Borough by ordinance or resolution. The trustee shall have full power and authority by a majority action of its members either directly or through their designated representatives to do all acts, execute, acknowledge and deliver all instruments and to exercise for the sole benefit of the participants hereunder any and all powers and discretion necessary to implement and effectuate the purposes of this Part, including for purposes of illustration but not limited to any and all of the following:

   A. To hold, invest and reinvest all funds received pursuant to this Part in such legal investments as may be authorized as legal investments under the laws of the Commonwealth:

   B. To enter into contracts or deposit agreements on behalf of this Borough with one or more insurance companies in order to provide the pension and other benefits herein set forth and to pay the premiums and deposits required by the purchase of said contracts.

   C. To retain or purchase as an investment any form of annuity of similar nature and to exercise with respect thereto any right or incident of ownership.

   D. To retain any property which may at any time become an asset of the fund as long as said trustees may deem it advisable.

   E. To make distribution of the monies in the fund in accordance with the terms of this Part.

§ 1-310. Transfer or Assignment.

[Ord. 388, 12/2/1985]

The pension payments, hereunder provided for, shall not be subject to attachment, execution, levy, garnishment or other legal process and shall be payable only to the participant or his designated beneficiary. No participant or his beneficiary shall have any right to alienate, encumber or assign any assets of the fund held by the trustees on his behalf or any of the benefits or payments or proceeds of any contract or agreement purchased or acquired by the Borough hereunder. Any contract or agreement purchased or acquired pursuant to this Part upon the life of such participant shall contain a provision, in substance, that to the extent permitted by law none of the benefits or payments or proceeds of such contract or agreement shall be subject to any legal process by any creditor of such participant or beneficiary of such participant.

§ 1-311. Distribution of Surplus Funds.

[Ord. 388, 12/2/1985; as added by Ord. 455, 2/13/1995; and as amended by Ord. 534, 3/12/2007]

1. Any general municipal pension system State aid received pursuant to the General Municipal Pension State System Program, and/or the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §§ 895.101-895.803, shall be used to meet Canton Borough's minimum obligations to its two pension funds, the defined benefit Police Pension Fund and the defined contribution Nonuniformed Municipal Pension Fund.

2. The two pension plans are authorized by the following:

   Police Pension: Ordinance Nos. 437, 408, 397, 389, 301 and 586.

   Nonuniformed Municipal Pension: Ordinance Nos. 417 and 388.

3. Any general municipal pension system State aid funds remaining after meeting the minimum annual financial obligations to both pension plans shall be deposited into the defined benefit police pension fund.

4. The excess 2005 State aid allocation placed in the Nonuniformed Municipal Pension Plan will be reallocated to the Police Pension Plan.

5. The excess 2000 through 2005 excess municipal contributions in the amount of $4,383 be withdrawn from the

members' accounts and reimbursed to the Borough.

PART 4. POLICE PENSION PLAN

§ 1-401. Eligibility.

[Ord. 301, 1/13/1975; as amended by Ord. 389, 1/6/1986; and by Ord. 483, 11/13/2000]

Each policeman who is employed by this Borough on a full-time basis who shall have 25 years of continuous service with this Borough and who shall have attained the age of 50 years of age shall retire (unless the Council of this Borough or its designee shall elect by the application of uniform and consistent standards on a nondiscriminatory basis to defer such retirement) and be entitled to receive pension or retirement benefits as hereinafter provided. "Continuous service" shall mean full-time employment with this Borough including periods of absence which are approved by the Council of this Borough or which arise by operation of law. Any member of the police force who has been a regularly appointed employee of this Borough for a period of at least six months and who thereafter shall enter into the military service of the United States shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service if such person returns or has heretofore returned to his employment within six months after his separation from the service. Any participant retiring hereunder shall be subject to serve, from time to time, as a police reserve in cases of riot, tumult or preservation of the public peace until unfit for such service, whereupon he may be finally discharged from reserve service by reason of age or disability. Each policeman who is employed by this Borough on a full-time basis who shall have 20 years of continuous service with this Borough and who shall have attained 50 years of age, shall have the option of early retirement.

§ 1-402. Retirement benefits.

[Ord. 301, 1/13/1975; as amended by Ord. 408, 4/11/1988; by Ord. 437, 6/10/1991; and by Ord. 470, 9/14/1998]

1. The amount of pension or retirement benefits payable under this program shall be a sum equal to 1/2 of the monthly average compensation of the participant during the last 60 months of employment, payable monthly during the balance of participant's life following actual retirement. Such pension or retirement benefits for any month shall consist of:

    A. Any pension benefits from pension plans heretofore established by a private organization or association for the members of the police force but only to the extent that the Commonwealth or any of its municipalities shall have contributed to such pension plan monies raised by taxation.

    B. Benefits from the pension fund established hereunder to the extent necessary any month to 1/2 of the aforesaid monthly average salary.

2. Pension payments made under the provisions of this Part shall not be a charge on any other fund in the treasury of the Borough or under its control save the police pension fund.

3. Average Compensation.

    A. On any given date the average of an employee's monthly pay on the 60 latest compensation dates (all compensation dates if less than this number) ending before such given date.

    B. Pay as used in this definition means the total earnings paid to an employee by the employer. Earnings as used in this definition includes salary, court pay, holiday pay, overtime pay and any other remuneration.

§ 1-403. Contributions.

[Ord. 301, 1/13/1975]

1. Each participant hereunder shall contribute monthly into the pension fund established hereunder an amount equal to a certain percentage, not to exceed 8%, of his total monthly compensation. This percentage to be determined by the Borough each year by resolution depending on the amount needed each year to provide adequate funds for the police pension fund. All such contributions by the participant shall be deducted by the Borough from the participant's salary. Any balance of needed annual contributions shall become the obligation

of the Borough and shall be paid to the pension fund by annual appropriations. Any payments made by the Commonwealth of Pennsylvania for the Borough for police pension purposes shall be used as follows:

A. To reduce the unfunded liability of the Borough on account of pensions payable hereunder, and after such liability has been funded;

B. To apply against the annual obligation of the Borough for future service cost or, to the extent that the payment may be in excess of such obligation;

C. To reduce participants' contributions.

§ 1-404. Vesting.

[Ord. 301, 1/13/1975; as amended by Ord. 389, 1/6/1986; by Ord. 512, 12/8/2003; and by Ord. 566, 5/14/2012]

The pension shall vest in the participant after 12 years of full-time employment with the Canton Borough Police Department. The participant shall have the right to designate the beneficiary or beneficiaries on any life insurance that is used in the retirement plan. However, the Borough shall be the owner of all monies or property paid into the fund or annuities or policies purchased from insurance companies hereunder except for the proceeds from any life insurance which shall be paid to the beneficiary or beneficiaries that the participant names. However, the Borough shall be entitled to all other monies or property paid into the fund prior to the time a participant has had 12 years of full-time employment with Canton Borough. Provided, however, that each participant shall be entitled in the event of termination or discontinuance of his employment with the Borough for reasons other than retirement or death to have returned to him the total amount of all such monies paid by him into the pension fund, together with interest, if any, earned by such monies while in the police pension fund. If such termination or discontinuance of employment is due to death, such refund of money shall be paid to the participant's surviving spouse, dependent children, designated beneficiary or, in the absence thereof, to his estate.

§ 1-405. Administration.

[Ord. 301, 1/13/1975]

1. The police pension fund shall be under the direction of the Council of this Borough, or such committee or persons as the Council of this Borough may, from time to time, designate by resolution, who shall act as trustee of the pension fund and such trustees shall have full responsibility for the administration of the program established hereunder and shall hold, invest, reinvest and distribute all funds or other property received pursuant hereto in trust for the purposes of this Part. The trustees may receive at any time and from time to time gifts, grants, devises or bequests to the pension fund of any money or property, real, personal or mixed, to be held by them in trust for the benefit of this fund and in accordance with the provisions hereof. The trustees shall be subject to such rules and regulations as may, from time to time, be adopted by the Council of this Borough by ordinance or resolution. The trustees shall have full power and authority by a majority action of its members either directly or through their designated representatives to do all acts, execute, acknowledge and deliver all instruments and to exercise for the sole benefit of the participants hereunder any and all powers and discretion necessary to implement and effectuate the purpose of this Part including, for purposes of illustration but not limited to, any and all of the following:

   A. To hold, invest and reinvest all funds received pursuant to this Part in such legal investments as may be authorized as legal investments under the laws of the Commonwealth of Pennsylvania.

   B. To enter into contracts or deposit agreements on behalf of this Borough with one or more insurance companies in order to provide the pension and other benefits herein set forth and to pay the premiums and deposits required by the purchase of said contracts.

   C. To retain or purchase as an investment any form of annuity or contracts of similar nature and to exercise with respect thereto any right or incident of ownership.

   D. To retain any property which may at any time become an asset of the fund as long as said trustees may deem it advisable.

   E. To make distribution of the monies in the fund in accordance with the terms of this Part.

§ 1-406. Transfer or Assignment.

[Ord. 301, 1/13/1975]

The pension payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process and shall be payable only to the participant or his designated beneficiary. No participant or his beneficiary shall have any right to alienate, encumber or assign any assets of the fund held by the trustees on his behalf or any of the benefits or payments or proceeds of any contract or agreement purchased or acquired by the Borough hereunder. Any contract or agreement purchased or acquired pursuant to this Part upon the life of such participant shall contain a provision in substance that to the extent permitted by law none of the benefits or payments or proceeds of such contract or agreement shall be subject to any legal process by any creditor of such participant or beneficiary of such participant.

§ 1-407. Prior Pension Assets and Benefits.

[Ord. 301, 1/13/1975]

All contracts, agreements or funds held by the Borough for the purpose of providing pensions, annuities or retirement income or any of them on any policeman who shall be a participant in the program herein established shall be and hereby are transferred and assigned to the fund herein created. After such transfer the police pension fund shall assume the liability, if any, of continuing the payment of pensions to members of the police force retired prior to such transfer in accordance with the laws and regulations under which such members were retired.

§ 1-408. Expense of Administration.

[Ord. 301, 1/13/1975; as amended by Ord. 389, 1/6/1986; and by Ord. 470, 9/14/1998]

The expense of administering this pension fund program, including compensation of an actuary, any custodian of the fund and any other charges or expenses related thereto, exclusive of the payment of pensions, shall be paid by the Borough by appropriations made by the Council of the Borough unless the law provides that the Borough can do this differently. If the law provides that the Borough can do this differently, then the Borough will determine this by resolution or ordinance.

§ 1-409. Effective Date.

[Ord. 301, 1/13/1975]

The amendment of this Part shall become effective upon its passage and publication as provided by law.

§ 1-410. Additional Benefits.

[Ord. 301, 1/13/1975; as added by Ord. 389, 1/6/1986; and as amended by Ord. 469, 12/8/1997; by Ord. 512, 12/8/2003; and by Ord. 566, 5/14/2012]

1. In situations where the police officer is killed while in service for the Borough the police officer's spouse or children under 18 years of age (23 years of age if child or children attend college), shall be provided with a benefit which shall begin as soon after the officer's death as it is reasonably possible to get it established and shall be set at 100% of final salary. Also, a pension benefit shall be provided to a spouse or to the children under 18 years of age (23 years of age if child or children attend college) of a police officer who dies after having obtained eligibility to receive a pension benefit. This means that the police officer was pensioned when he/she died or that he/she was eligible by reason of age and service for retirement pension or a vested pension when he/she died. The amount of this pension is to be set at 100% of final salary.
2. Disability Benefits. A disability benefit shall be provided to police officers who suffer a permanent job related injury that occurs while in service as a police officer.
    A. "In Service" has been defined to mean while in the performance of duties.
    B. The amount of benefits will be equal to 50% of the officer's final salary offset by any Social Security benefits, payable until the officer reaches his normal retirement date, death or recovery.

§ 1-411. Accrued Benefit.

[Ord. 301, 1/13/1975; as added by Ord. 397, 3/9/1987]

In addition to other limitations set forth in the plan and notwithstanding any other provisions of the plan, the accrued benefit, including the right to any optional benefit provided in the plan (and all other defined benefit plans required to be aggregated with this plan under the provisions of Section 415 of the Internal Revenue Code), shall not increase to an amount in excess of the amount permitted under Section 415 of the Internal Revenue Code of 1986 as set forth in the Tax Reform Act of 1986.

§ 1-412. Distribution of Surplus Funds.

[Ord. 388, 12/2/1985; as added by Ord. 453, 12/-/1994; as amended by Ord. 455, 2/13/1995; and by Ord. 534, 3/12/2007]

1. Any general municipal pension system State aid received pursuant to the General Municipal Pension State System Program, and/or the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §§ 895.101-895.803, shall be used to meet Canton Borough's minimum obligations to its two pension funds, the defined benefit Police Pension Fund and the defined contribution Nonuniformed Municipal Pension Fund.
2. The two pension plans are authorized by the following:

   Police Pension: Ordinance Nos. 437, 408, 397, 389 and 301.

   Nonuniformed Municipal Pension: Ordinance Nos. 417 and 388.
3. Any general municipal pension system State aid funds remaining after meeting the minimum annual financial obligations to both pension plans shall be deposited into the defined benefit police pension fund.
4. The excess 2005 State aid allocation placed in the Nonuniformed Municipal Pension Plan will be reallocated to the Police Pension Plan.
5. The excess 2000 through 2005 excess municipal contributions in the amount of $4,383 be withdrawn from the members' accounts and reimbursed to the Borough.

§ 1-413. Disability.

[Ord. 301, 1/13/1975; as added by Ord. 470, 9/14/1998; as amended by Ord. 512, 12/8/2003; and by Ord. 566, 5/14/2012]

1. If a police officer is terminated after a certified physician chosen by the Borough determines the officer is totally and permanently disabled from a job related occurrence, the officer is entitled to receive a monthly disability pension as set forth below.
   A. The disability must occur before the officer reaches retirement age.
   B. The disability pension shall be in lieu of and not in addition to the normal monthly police pension retirement benefits.
   C. The disability pension shall be based on 50% of the officer's final salary offset by any Social Security benefits.
   D. The liability of the Borough and the pension plan to the police officer shall be limited to the amounts payable under any such disability income contract at the time said disability occurs.
   E. The liability of the Borough and the pension plan to the police officer shall be offset by any benefits from workmen's compensation insurance.
   F. Neither the Borough nor the pension plan shall be liable or responsible for any other payments or benefits set forth herein except any vested benefit to which the police officer may be entitled.
   G. Disability, as used in this Section, shall be construed to mean total and permanent disability incurred in service.

PART 5. CANTON BOROUGH AUTHORITY

§ 1-501. Desire and Intention to Organize.

[Ord. 174, 3/7/1961]

It is the desire and intention of the municipal authorities of the Borough of Canton, situated in Bradford County, Pennsylvania, to organize an authority under the "Municipality Authorities Act of 1945," approved May, 1945, its supplements and amendments for the purpose of exercising any and all of the powers conferred by said Act.

§ 1-502. Name of Authority.

[Ord. 174, 3/7/1951]

The name of the proposed authority is "Canton Borough Authority."

§ 1-503. Articles of Incorporation.

[Ord. 174, 3/7/1951; as amended by Ord. 229, 7/17/1963; by Ord. 382, 12/3/1984; by Ord. 428, 2/12/1990; and by Ord. 589, 2/13/2017]

1. The proposed Articles of Incorporation of said Authority are as follows:

ARTICLES OF INCORPORATION

CANTON BOROUGH AUTHORITY

To the Secretary of the Commonwealth of Pennsylvania:

In compliance with the Municipality Authorities Act of 1945, its supplements and amendments, the Borough of Canton situated in Bradford County, Pennsylvania, pursuant to an ordinance duly adopted by the municipal authorities of said municipality, signifying its desire and intention to form an Authority, hereby certifies:

A. The name of the Authority shall be:

CANTON BOROUGH AUTHORITY

B. This Authority is formed under the Municipality Authorities Act of 1945, its supplements and amendments.

C. No other Authority organized under the Municipality Authorities Act of 1945, its supplements or amendments or under the Act approved June 18, 1939, P.L. 463, its supplements or amendments, is in existence in or for the incorporating municipality named herein.

D. The name of the incorporating municipality is:

THE BOROUGH OF CANTON

E. The names and addresses and of the Mayor and the members of the Council of the Borough of Canton, such persons being the municipal authorities of said municipality, are as follows: [Here followed the names and addresses of the Mayor and the members of the Council.]

F. The membership of the Board of the Authority shall consist of five members, each of whom shall be a taxpayer in, maintain a business in or be a citizen of the municipality by which he is appointed or be a taxpayer in, maintain a business in or be a citizen of a municipality into which one or more of the projects of the Authority extends or is to extend or to which one or more of said projects has been or is to be leased and not more than two nonresidents of Canton Borough shall be appointed to the Board. The members shall be appointed to the Board by the Council of Canton Borough for a term of five years.

G. The names, address and terms of office of the first members of the Board of the Authority to be formed hereby are as follows: [Here followed the names, addresses and terms of office of the first members of the Board of the Authority.]

H. Whenever a vacancy shall, for any reason, exist in the Board of the Authority, the vacancy shall be filled by the municipal authorities of the municipality.

I. The term of existence of the Authority shall be increased to extend to 50 years from the date of the approval of these Articles of Amendment by the Secretary of the Commonwealth.

§ 1-504. Members of the Board.

[Ord. 174, 3/7/1951]

The following persons, hereinafter designated as appointees of the Borough of Canton, are hereby appointed members of the Board of the Authority with the following terms of office: [Here followed the names, addresses and terms of office of the members of the Board of the Authority.]

§ 1-505. Execution of the Articles of Incorporation.

[Ord. 174, 3/7/1951]

The Articles of Incorporation of said Authority, in substantially the form set forth in § **1-503** of this Part, shall be executed on behalf of the Borough of Canton by the President of Council and the Mayor of the Borough of Canton and under its municipal seal attested by the Secretary of the said Borough and such officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish the said Authority in conformity with the "Municipality Authorities Act of 1945," its amendments and supplements.

§ 1-506. Purpose.

[Ord. 174, 3/7/1951]

The adoption of this Part is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare and will increase the prosperity of the people of the Borough of Canton.

PART 6. RECOGNITION OF FIRE DEPARTMENT

§ 1-601. Fire Company Recognized.

[Ord. 571, 6/9/2014]

The Canton Fire Department/Innes Hose Company/Canton Fire Relief, organized and existing in the Borough of Canton, Bradford County, Pennsylvania, is hereby designated as the officially recognized fire company in the Borough.

§ 1-602. Authorized Activities of the Fire Company and/or Members of the Fire Company.

[Ord. 571, 6/9/2014]

Authorized activities of members of a volunteer fire department are as authorized under Section 601(a)(1) of the Workers' Compensation Act, or other sections of the Workers' Compensation Act, as amended.

§ 1-603. Authorized Non-Firefighting Activities of the Fire Company and/or Members of the Fire Company.

[Ord. 571, 6/9/2014]

Non-firefighting activities that members of the volunteer fire company participate in are not covered by Workers' Compensation unless the non-firefighting activities are authorized by the Canton Borough Council at an official meeting and are adopted by resolution. The volunteer fire company may submit a list of non-firefighting activities to the Canton Borough Council for review prior to the January meeting of each year.

§ 1-604. Purpose.

[Ord. 571, 6/9/2014]

The purpose of this Part is to recognize the Canton Fire Department/Innes Hose Company as the official fire company of the Borough.

§ 1-605. Fire Police.

[Ord. 571, 6/9/2014]

According to the By-Laws, as amended, of the Innes Hose Company, Inc., aka Canton Fire Department, Article II, Section 2.3, "Fire Police," will be accepted by the host municipality and sworn in by the Mayor.

PART 7. (RESERVED)

PART 8. ANNEXATION OF TERRITORY

A.. Changing the Limits of Canton Borough by Admitting a Section of Territory Lying Adjacent to and Along the North and East Boundary Lines of the Borough.

§ 1-801. Changing the Borough Limits by Admitting a Section of Territory Adjacent to and Along the North and East Boundary Lines of the Borough.

[Ord. 17, 6/18/1896]

The limits of the Borough of Canton shall henceforth be extended by the admission of the section hereinafter described so that the said section shall forever hereafter be deemed and taken and allowed to be a part of said Borough of Canton and subject to the jurisdiction and government of the municipal authorities of said Borough as fully as if same had been originally a part of said Borough. The courses and distances of the boundaries of said section are as follows:

Beginning at the northwest corner of Canton Borough, thence north 22° 20 feet D. through lands of Martin Lynch, James Davison estate, across Armenia Road, through lands of William Chapman, H. Goff estate, Frank Mayo and E.L. Davenport estate, 2,273 feet to a point in the north line of lands of the E.L. Davenport estate; thence south 81° 50 feet east through lands of the E.L. Davenport estate, across the Troy Road, through lands of the J.G. Scudder estate, across Northern Central Railroad Company's right-of-way, through lands of Frank Elliott, across the Minnequa Road 2,376 feet to an iron pin in lands of Fanny Davenport McDowell; thence south 4° 35 feet west through lands of Fanny Davenport McDowell and Frank Elliott, 861 feet to a stake and stones on lands of Mrs. B. Benedict, 1,369 feet to the southwest corner of a large pile of stones on lands of T.M. Fassett; thence by the same course over lands of said T.M. Fassett 1,381 feet to an iron pin on the south bank of Mill Creek at Colin A. Innes' west line; thence south 4° 50 feet west along the west line of Colin A. Innes' 3,096 feet to the center of the road on the south side of Towanda Creek; thence by the same course 823 feet to a stake and stones on lands of James O. Randall; thence south 58° 30 feet west through lands of James O. Randall and over lands of Lathan Andrews 830 feet to the southeast corner of Canton Borough; thence by the east boundary line of said Borough north 4° 48 feet east. 5, 826 feet to the northeast corner of said Borough; thence by the north boundary line of said Borough north 86° 10 feet south 3,498 feet to the northwest corner of said Borough, the place of beginning.

B.. Extending the Limits of Canton Borough on the East and Admitting to the Borough the Territory Lying Within Said Extended Limits.

§ 1-811. Extending the Limits of Canton Borough on the East Thereof and

Admitting to the Borough the Territory Lying within Said Extended Limits.

[Ord. 68, 1/3/1912]

1. The following described territory, lying adjacent to Canton Borough on the east, being the territory above referred to and described as follows:

   Beginning in the east line of Canton Borough, in the center of Mill Creek, thence north 62° 28 feet east along the center of said creek; 240 feet; thence north 66° 50 feet east along the center of said creek 476 feet; thence north 63° 34 feet east along the center of said creek 385 feet; thence north 50° 18 feet along the center of said creek 589 feet to the west line of the John A. Innes farm; thence south 5° 20 feet west along the west line of the John A. Innes farm, 3,015 feet to the center of Towanda Creek; thence south 69° 29 feet west along the center of said creek; 323 feet, thence 70° 58 feet west along the center of said creek 580 feet; thence south 75° 32 feet west along the center of said creek 235 feet; thence south 6° 30 feet west along the center of said creek 324 feet; thence south 34° 30 feet west along the center of said creek 104 feet; thence south 60° 2 feet west along the center of said creek 294 feet to the east line of Canton Borough; thence north 5° 20 feet east along the east line of canton 2,708 feet to the center of Mill Creek, the place of beginning containing 85 and 66/100 acres.

2. The same is hereby admitted to the Borough of Canton as a part thereof and subject to the jurisdiction and government thereof.

C.. Extending the Limits of Canton Borough on the North and Admitting the Territory Lying within Said Extended Limits.

§ 1-821. Extending the Limits of the Borough on the North and Admitting to the Borough the Territory Lying Within Said Extended Limits.

[Ord. 71, 10/2/1912]

1. The following described territory lying adjacent to Canton Borough on the north being the territory above referred to and described as follows:

   Beginning at an iron pin in the north Borough line and in the east line of the Northern Central Railroad Company's right-of-way thence north 15° east along the east side of the Northern Central Railroad Company's right-of-way 485 feet to an iron pin in the northwest corner of E. A. Furman's land; thence south 74° 10 feet east along the north line of E. A. Furman's land 209 feet to the center of Center Street; thence by the same course 235 feet to an iron pin in B. Benedict's land; thence south 18° 20 feet west 404 feet to the north Borough line; thence north 85° west 233 feet along the north Borough line to the center of Center Street; thence by the same course along the north Borough line 191 feet to the place of beginning.

2. Be and the same is hereby admitted to the Borough of Canton as part thereof and subject to the jurisdiction and government thereof.

D.. Annexing Land on the North of and Adjacent to the Borough.

§ 1-831. Annexing Land on the North of and Adjacent to the Borough.

[Ord. 86, 8/4/1916]

The land within the limits herein defined be annexed to the Borough of Canton and be a part of and subject to the jurisdiction and government thereof:

Beginning at a corner of the Borough of Canton on line of lands of J. Powers and M. Lynch, thence over lands of M. Lynch, C. Lee and L. Teeter north 10° 49 minuets east 1,481 feet to corner of lands of Mrs. J. Elverson, L. Teeter and A. Collins; thence north 2° 15 minutes east 888 feet to corner of lands of Mrs. F. S. Elliott, T. Furman and A. Collins; thence south 85° 40 minutes east 945 feet; thence south 40° 20 minutes west 32 feet; thence south 85° 40 minutes east 118 feet to corner of lands of T. Furman and Mrs. F. S. Elliott in the west side of the Troy Road; thence

along the west side of the Troy Road south 8° 5 minutes west 98 feet; thence across the Troy Road and along the north side of the crossroad to the Canton and Minnequa Road south 81° 45 minutes east 1,115 feet to the Northern central Railway right-of-way; thence along the said right-of-way south 28° 35 minutes west 1,106 feet; thence across the said right-of-way south 73° 38 minutes east 100 feet to an iron pipe marking a corner of Canton Borough.

PART 9. OPEN RECORDS POLICY

§ 1-901. Purpose.

[Ord. 545, 12/8/2008]

The purpose of this Policy is to assure compliance with Act 3 of 2008, The Pennsylvania Right-to-Know Law, as amended; to provide access to public records of Canton Borough; to preserve the integrity of Canton Borough's records; and to minimize the financial impact to the residents of the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

§ 1-902. Designated Open Records Officer.

[Ord. 545, 12/8/2008]

1. It is the policy of the Borough to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Borough. Canton Borough designates the Borough Manager as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

   A. The Borough Manager may designate certain employee(s) to process public record requests.

   B. The Borough Manager is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

   C. All requests for public records of the Borough under this Policy shall be specific in identifying and describing each public record requested. In no case shall the Borough be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Borough does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and include the date of the request; requestor's name, address and telephone number; certification of United States residency; signature of requestor; and if duplication is requested, appropriate payment.

   D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.

   E. The Borough shall facilitate a reasonable response to a request for Canton Borough's public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Borough's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

   F. The designated employee shall respond to the requestor within five business days from the date of receipt of the written request. If the Borough does not respond within five business days of receipt thereof, the request is deemed denied.

   G. The response provided by the Borough shall consist of:

      (1) Approval for access to the public record.

      (2) Review of the request by the designated employee.

      (3) Denial of access to the record requested.

   H. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect Borough public records from the possibility of

theft and/or modifications. The presence of a designated employee is required when public records are examined and inspected.

I. Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. The Borough may, at its discretion, waive fees.

J. In the event the estimated cost of fulfilling a request submitted under this Policy is expected to exceed $100, the designated employee(s) shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted expense of Borough resources.

K. If the request is being reviewed, the notice provided by the Borough shall be in writing and include the reason for the review and the expected response date, which shall be within 30 days of the notice of review. If the Borough does not respond within 30 days thereof, the request is deemed denied. Review of the request is limited to situations where:

(1) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.

(2) The record requires retrieval from a remote location.

(3) A timely response cannot be accomplished due to staffing limitations.

(4) A legal review is necessary to determine whether the record requested is a public record.

(5) The requester has failed to comply with the Borough's policy and procedure requirements.

(6) The requester refuses to pay the applicable fees.

(7) The extent or nature of the request precludes a response within the required time period.

Upon a determination that one of the factors listed above applies, the Borough shall send written notice to the requestor within five business days of receipt of the request for access. The notice shall include a statement notifying the requestor that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for, the request for access shall be deemed denied unless the requestor has agreed in writing to an extension to the date specified in the notice. If the requestor agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

L. If access to the record requested is denied, the notice provided by the Borough shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Canton Borough Records."

M. If the request is denied or deemed denied, the requestor may file an appeal with the Commonwealth's Office of Open Records within 15 business days of the mailing date of the Borough's notice of denial, or within 15 days of a deemed denial. The appeal shall state the grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the agency for delaying or denying the request.

N. Within 30 days of the mailing date of the final determination of the appeals officer, the requestor or Borough may file a petition for review or other document as required by rule of court with the Court of Common Pleas for Bradford County. The decision of the court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision. A petition for review under this Section shall stay the release of documents until a decision is issued.

O. This Policy shall be available for review at the Borough Office.

§ 1-903. Effective Date.

[Ord. 545, 12/8/2008]

This Part shall become effective on January 1, 2009.

PART 10. SCHOOL CROSSING GUARDS

§ 1-1001. Hiring and Oversight of School Crossing Guards.

[Ord. 574, 11/10/2014]

Pursuant to Section 1127 of the Act of February 1, 1966, as amended, the Borough hereby allows the Board of School Directors of the Canton Area School District to assume hiring and oversight of school crossing guards. Such school crossing guards shall be authorized only in the management of traffic and pedestrians in and around areas identified by the Police Department and the School District Superintendent or his or her designees.

§ 1-1002. School Crossing Guards not School or Civil Service Employees.

[Ord. 574, 11/10/2014]

The school crossing guards shall not come within the civil service provision of the Act above referred to, nor shall they fall under the bargaining unit of the School District nor be considered an employee as defined under Section 1101-A of the Act of March 10, 1949, known as the "Public School Code of 1949," or a school employee as defined under 24 Pa.C.S.A § 8102 (relating to definitions), or under any plans hereafter effective.

§ 1-1003. School District to Indemnify Borough.

[Ord. 574, 11/10/2014]

The School District shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary police officers, appointed as prescribed by general law, may be hired by the School District to serve as school crossing guards. The Board of School Directors shall notify the Borough Council of those hired to serve as school crossing guards and shall further hold the Borough harmless from and indemnify the Borough from any and all claim or claims made, suits, judgments or recovery of any nature or kind resulting from the action or actions or lack thereof by or on account of any such school crossing guard, designated or appointed by the School District pursuant to this Part, and shall provide to the Borough an agreement providing for such indemnification.

§ 1-1004. Training of School Crossing Guards.

[Ord. 574, 11/10/2014]

The Canton Borough Police Department is not currently certified to train school crossing guards. If and when the Canton Borough Police Department becomes so certified, it will provide any necessary training and assistance of the school crossing guards while on duty.

Part 11. CODE ENFORCEMENT

§ 1-1101. Short Title.

[Ord. 579, 5/11/2015]

This Part shall be known and may be cited as the "Code Enforcement Ordinance of the Borough of Canton."

§ 1-1102. Establishment of Office of Code Enforcement.

[Ord. 579, 5/11/2015]

1. Creation. There is hereby created by the Canton Borough Council an office of the Borough to be known as the

Office of Code Enforcement. The official(s) appointed thereto by the Canton Borough Council shall have the responsibility for administration and enforcement of the provisions of this Part and of those other codes and/or ordinances of the Borough.

2. Relief from Personal Liability. The Code Enforcement Officer, or other official or employee, charged with the enforcement of this Part and those other codes and/or ordinances of the Borough who act in good faith and without malice in the discharge of their duties shall not, while acting for the Borough, be rendered liable personally and the Code Enforcement Officer, or other official or employee, is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any act, required or committed, or any omission in the discharge of official duties. Any suit instituted against the Code Enforcement Officer, official or employee, because of any act performed by that person in the lawful discharge of duties shall be defended by the Borough's Solicitor or his designee until final determination of the proceedings. The Code Enforcement Officer, official or employee shall not be liable for costs in any action, suit or proceeding.

3. Official Record. The Code Enforcement Officer shall keep a written record of the activities and shall monthly report to the Borough of Canton of the Code Enforcement Officer's activities for the prior month.

§ 1-1103. Enforcement Authority.

[Ord. 579, 5/11/2015]

There shall be appointed by the Canton Borough Council a Code Enforcement Officer who shall be in charge of the Office of Code Enforcement of the Borough.

§ 1-1104. Duties and Powers of Code Enforcement Officer.

[Ord. 579, 5/11/2015]

1. Enforcement of Codes. The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances of the Borough, including but not limited to the following: animals; assessment permits; bicycles; numbering of houses and buildings; property maintenance code; fences and walls; air pollution control (burning); outdoor fuel burning appliances; storage of junk, refuse, garbage or rubbish; noise disturbances; public nuisances; landlord/tenant registration; rental inspection; sidewalk installation and maintenance; construction, maintenance and use of private swimming pools.

2. Duties. The duties of the Code Enforcement Officer, and his authorized assistants and representatives, shall include, but not be limited to, the undertaking of such investigations and other activities as may be required to determine compliance with the applicable codes and ordinances of the Borough; to issue all necessary notices to abate illegal or unsafe conditions, to ensure compliance with the Borough's Code of Ordinances for the safety, health and general welfare of the public; and to make inspections to determine compliance with the applicable codes and ordinances of the Borough.

3. Right of Entry. In the discharge of his or her duties, the Code Enforcement Officer or a designated representative authorized by the Council may inspect structures or premises in the Borough between the hours of 9:00 a.m. and 4:00 p.m., upon the showing of proper identification, subject to the following provisions regarding the right to entry:

   A. The owner, operator or occupant or other person in charge of the structure or premises may give the Code Enforcement Officer or designated representative entry to the structure or premises upon his or her request.

   B. The Code Enforcement Officer or designated representative and the owner, operator or occupant or other person in charge of the structure or premises may agree to an inspection by appointment at a mutually convenient time.

   C. If any owner, operator or occupant or other person in charge of any structure or premises fails or refuses to permit entry to the structure or premises with respect to an authorized inspection, the Code Enforcement Officer may, upon a showing that probable cause exists for the inspection, either request the issuance of a search warrant delineating the scope of the inspection by the District Justice having jurisdiction, or petition for and obtain an order directing compliance with the inspection requirements of this chapter from a court of competent jurisdiction. Any person who refuses to comply with a search warrant or order issued pursuant to this Section shall be subject to such penalties as may be authorized by law for violating of a court order

or for failing to heed a search warrant.

D. The assistance and cooperation of other municipal officials shall be available to the Code Enforcement Officer to assist in the performance of his or her duties.

4. Legal Action. The Code Enforcement Officer shall be authorized to initiate, on behalf of the Borough, appropriate legal actions against persons or other legal entities for violations of the Borough's codes and ordinances.

§ 1-1105. Effect on Pending Suits and Proceedings.

[Ord. 579, 5/11/2015]

Nothing in this Part shall be construed to affect any suit or proceeding now pending in any court, or any actions required or liability incurred, or any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. No right or remedy of any character shall be lost, impaired or affected by this Part.

PART 12. CHECK RETURN POLICY

§ 1-1201. Service Fee.

[Ord. 588, 2/13/2017]

A service fee is hereby imposed in an amount made by resolution for any check which is submitted in payment of any outstanding obligation and which is returned for nonpayment. The check will not be redeposited. The cost of certified postage used in the notification process will also be charged to the delinquent account.

§ 1-1202. Inclusion of Fee on Appropriate List.

[Ord. 588, 2/13/2017]

Whenever an outstanding account is for a tax or some other municipal service, the service fee shall be included on the appropriate list of delinquent accounts.

§ 1-1203. Collection of Service Charge.

[Ord. 588, 2/13/2017]

Any service charge authorized by this Part including the principal amount of check and certified fee shall be collected within 10 days of the written notification in the form of a money order or cash. No checks will be accepted.

§ 1-1204. Violations and Penalties.

[Ord. 588, 2/13/2017]

Violation of any section of this Part shall result in a fine not to exceed $600, plus costs of prosecution before a District Justice, and, in default of payment of such fine and costs, to imprisonment for a term of not to exceed 30 days.

Chapter 2. Animals

PART 1. DOGS RUNNING AT LARGE

§ 2-101. Definitions.

[Ord. 470, 9/14/1998]

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

OWNER

Any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

RUNNING AT LARGE

Being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

§ 2-102. Appointment and Duties of Dog Warden.

[Ord. 470, 9/14/1998]

1. A Dog Warden may be appointed by Borough Council to serve during its pleasure. Such dog warden along with the Police Department shall have concurrent responsibility for the enforcement of this ordinance and of the Dog Law of 1982, (3 P.S. § 459-101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania); provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough.

2. The owner shall be responsible for controlling their pet(s) so they are not allowed to create a public nuisance from lack of sanitation, inadequate housing, inhumane treatment, indiscriminate breeding, noise control, number of animals, etc., and the pets shall not create or become a threat to the health of persons. The Dog Warden or Borough Police Department shall determine when a situation becomes a public nuisance or a threat to the health of a person based on their own observations, investigation or public complaints.

3. The Pennsylvania Dog Law, 3 Pa.C.S.A. § 459-101 et seq., governs, among other things, dogs running at large, seizing of dogs, licensed, unlicensed and threatening dogs. Refer to the Dog Law and Ord. 248, 1/6/1969, as amended [Chapter **10**, Part **2**] regarding noise disturbances.

§ 2-103. Unlawful to Allow Dogs to Run at Large.

[Ord. 470, 9/14/1998]

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough.

§ 2-104. Seizing of Dogs.

[Ord. 470, 9/14/1998]

The dog warden or any police officer or constable may seize any dog found at large in the Borough. Such dogs are to be impounded in a licensed kennel, SPCA or Humane Society facility.

PART 2. ANIMAL CONTROL

ARTICLE A.. Control of Animals, Birds and Fowl.

§ 2-201. Conditions for Keeping Rabbits, Pigeons or Fowl.

[Ord. 603, 9/12/2022]

1. No person shall keep any rabbits, fowl or pigeons anywhere in the Borough unless the following conditions are strictly adhered to:

A. There shall be no violation of any provision of the Borough's Zoning Ordinance (Chapter **27**).

B. The fowl, rabbits and pigeons shall at all times be confined to the premises of the owner.

C. Any person owning rabbits, fowl or pigeons at the time of adoption of the ordinance codified in this Part will be provided a copy of the adopted ordinance and shall have 60 days to confine the rabbits, fowl or pigeons from the date of receipt of the ordinance.

§ 2-202. Unlawful to Keep Pigs or Hogs.

[Ord. 603, 9/12/2022]

It shall be unlawful for any person to have, raise or keep any pig or pigs or hog or hogs anywhere in the Borough.

§ 2-203. Conditions for Keeping Certain Livestock.

[Ord. 603, 9/12/2022]

1. It shall be unlawful to keep any horse, sheep, goat, cattle or other domestic livestock, other than pigs or hogs, in the Borough, unless the following conditions are strictly adhered to:

   A. There shall be no violation of the Borough's Zoning Ordinance (Chapter **27**).

   B. A barn, stable or similar roofed building shall be provided on the premises for such animals and such building shall be located at least 50 feet from any street and at least 50 feet from any inhabited dwelling. That building shall be kept clean, with all filth accumulating in it to be removed at least once a week and oftener if so ordered by the Borough.

   C. Those animals shall not be permitted to run at large outside the confines of the premises of their owner.

   D. Stables.

      (1) Every person, firm or corporation using at the time of the enactment of this Part any building or portion of a building within the Borough of Canton as a stable for one or more horses, mules, cows, goats or swine shall report the same in writing to the Secretary of the Board of Health within 20 days after the date when this Part becomes effective. The said report shall include a statement of the name of the owner or lessee of such property, the location of the same and kind of animals stabled therein.

      (2) Every person, firm or corporation who shall use any building or portion of a building as aforesaid after the enactment of this Part shall in like manner report said use within five days of said occupancy.

      (3) Manure shall not be allowed to accumulate in or near stables or any other place for a period of more than three days unless it is adequately protected against the breeding of flies.

      (4) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water. Manure shall also not be allowed to accumulate in such a way and to such an extent that it becomes offensive to the persons who own or are using the adjoining land or the public generally.

§ 2-204. Veal Raising, Brooder Raising and Egg Laying Businesses.

[Ord. 603, 9/12/2022]

It shall be unlawful for any person, firm, corporation and all other parties to have a veal raising business, brooder raising business, egg laying business or any other business of a similar nature within the limits of Canton Borough.

§ 2-205. Applicability of Dog Law.

[Ord. 603, 9/12/2022]

The Pennsylvania Dog Law, 3 P.S. § 459-101 et seq., shall apply to the keeping of dogs in the Borough as well as to their running at large.

§ 2-206. Penalty for Violation.

[Ord. 603, 9/12/2022]

Any person, persons or entity who shall violate any provision of this Part or the Ordinance codified in this Part shall be charged with a summary offense and upon conviction sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment be subject to a term of imprisonment not to exceed 30 days. The Borough may also seek civil and equitable remedies under the applicable rules of civil procedure.

B.. Prohibiting the Keeping of Animals Making Disturbing Noises or Causing Nuisances.

§ 2-210. Intent and Purpose.

[Ord. 603, 9/12/2022]

The Borough Council of the Borough of Canton, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the residents, 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 and the sources of excessive sound within the Borough.

§ 2-211. Noise and Disturbance.

[Ord. 603, 9/12/2022]

It shall be illegal within the Borough of Canton for any person or persons to own, possess, harbor or control any animal or bird which makes any noise continuously and incessantly for a period of 10 minutes and makes such noise intermittently for 1/2 hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

§ 2-212. Nuisance Conditions.

[Ord. 603, 9/12/2022]

No person or persons shall keep or harbor any dog, cat or other animal in the Borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined here.

§ 2-213. Animal Noises.

[Ord. 603, 9/12/2022]

Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, or in any way or manner disturbs the quiet of any person of the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

§ 2-214. Animal Digging or Defecation.

[Ord. 603, 9/12/2022]

Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

§ 2-215. Owner Responsible to Remove Feces.

[Ord. 603, 9/12/2022]

No person being the owner or in charge or control of any dog, cat or other animal shall permit such animal to commit a nuisance on any school grounds, Borough park or other public property, or upon any private property other than that of the owner or person in charge or control of such dog, cat or other animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such type of nuisance shall be considered abated.

§ 2-216. Exceptions/Exemptions.

[Ord. 603, 9/12/2022]

Persons with defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with this Part.

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133, Section 951 et seq.

§ 2-217. Penalties.

[Ord. 603, 9/12/2022]

Any person, persons or entity who shall violate any provision of this Part or the Ordinance codified in this Part shall be charged with a summary offense and upon conviction sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment be subject to a term of imprisonment not to exceed 30 days. The Borough may also seek civil and equitable remedies under the applicable rules of civil procedure.

C.. Animal Defecation on Public and Private Property.

§ 2-220. Animal Defecation on Public and Private Property Restricted.

[Ord. 603, 9/12/2022]

No person having possession, custody or control of any animal shall knowingly or negligently permit any such animal to commit any nuisance by defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Canton, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

§ 2-221. Disposal of Animal Feces.

[Ord. 603, 9/12/2022]

1. Any person having possession, custody or control of any dog or other animal which commits a nuisance as described in Part 2B, in any area other than the private property of the owner of such dog or other animal, as prohibited in § **2-215**, shall be required to immediately remove any feces from such surface and either:

    A. Carry same away for disposal in a toilet.

B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

§ 2-222. Dogs Accompanying Blind or Handicapped Persons Exempted.

[Ord. 603, 9/12/2022]

The provisions of §§ **2-215**, **2-220** and **2-221** shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any other physically handicapped person.

§ 2-223. Penalties.

[Ord. 603, 9/12/2022]

Any person, persons or entity who shall violate any provision of this Part or the Ordinance codified in this Part shall be charged with a summary offense and upon conviction sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment be subject to a term of imprisonment not to exceed 30 days. The Borough may also seek civil and equitable remedies under the applicable rules of civil procedure.

Chapter 3. Bicycles

PART 1. REGULATING BICYCLES, UNICYCLES, TRICYCLES, PEDACYCLES, SKATE BOARDS, ROLLER SKATES, IN-LINE SKATES, SCOOTERS AND SIMILAR SELF-PROPELLED VEHICLES

§ 3-101. Bicycles, Unicycles, Tricycles, Pedacycles, Skate Boards, Roller Skates, In-Line Skates, Scooters and Similar Self-Propelled Vehicles.

[Ord. 470, 9/14/1998]

1. No skate boards, roller skates, scooters and similar self-propelled vehicles and/or toys may be ridden or used on any Borough street or alley.
2. No bicycles, unicycles, tricycles, pedacycles, skate boards, roller skates, in-line skates, scooters and similar self-propelled vehicles and/or toys may be ridden or used on any sidewalk within the downtown. For purposes of this Part, downtown shall be the Central Business District and Commercial District as defined in the Borough's Zoning Ordinance [Chapter **27**].
3. No bicycles, unicycles, tricycles, pedacycles, skate boards, roller skates, in-line skates, scooters and similar self-propelled vehicles and/or toys may be ridden or used on any sidewalk or parking lot when there is an unusually large number of pedestrians using that area, such as the sidewalks and parking lots in the vicinity of churches at a time when the churches are being used.
4. No bicycles, unicycles, tricycles, pedacycles, skate boards, roller skates, in-line skates, scooters and similar self-propelled vehicles and/or toys may be ridden or used on any sidewalks or parking lots when elderly persons are using that area.
5. For the first offense, any person charged with violating this Part shall have a written warning sent to their parents, guardian or them. Upon the second and subsequent offenses, if they are found guilty before the district justice, they shall pay a fine of not more than $25 plus costs.

Chapter 4. Buildings

PART 1. NUMBERING OF HOUSES AND BUILDINGS

§ 4-101. Numbering Required.

[Ord. 179, 9/3/1952]

On and after the passage and approval of this Part it shall be the duty of each and every owner, trustee, lessee, agent and occupant of each and every house, building or structure in the Borough of Canton to cause the same to be numbered in accordance with this Part and the system and plan hereby adopted and approved.

§ 4-102. Regulations.

[Ord. 179, 9/3/1952; as amended by Ord. 456, 5/8/1995]

1. The numbers shall be placed in a conspicuous place on or above each front door or on the front transom bar, front transom glass or front show window, over or on either side of the entrance, the said numbers to be at least four inches in height, the number to be composed of engineer grade or higher grade reflective material and shall be so placed as to be in full view from the street.

2. It shall be unlawful to cover any house number with any sign, drapery or other obstruction tending to conceal such number and all old numbers shall be removed from any house, building or other structure when a new number has been assigned and when so directed by the Borough Council.

§ 4-103. Locations.

[Ord. 179, 9/3/1952]

1. Center Street shall be the dividing line between east and west and Main Street shall be the dividing line between north and south. The initial point in numbering houses on streets extending north and south shall be Main Street and the initial point in numbering houses running east and west shall be Center Street. North of Main Street the numbers shall commence at one and extend northerly consecutively and south of Main Street the numbers shall commence at one and extend southerly consecutively. East of Center Street the numbers shall commence at one and extend easterly consecutively and west of Center Street the numbers shall commence at one and extend westerly consecutively.

2. All even numbers shall be on the right hand side of the streets and running consecutively in the order of progression and all odd numbers shall be on the left hand side of the streets and running consecutively in the order of progression starting from the corner of Center Street and Main Street which is designated as the axis. Where a street is not on Center Street or Main Street then the street from which it runs shall be the dividing line. The streets are laid out on the following scale:

    A. Twenty feet to a lot in the business section which is as follows:

        (1) Starting where Troy Street commences at Lycoming Street northward to West Union Street; Main Street commencing at Troy Street and running eastward to Minnequa Avenue; Sullivan Street commencing at Lycoming Street and running southward to the junction of Springbrook Road and Sullivan Street; Center Street commencing at Main Street and running northward to Union Street.

    B. All other streets, the lots shall be 40 feet in width. One number shall be given to a lot providing there is one dwelling. If there are two entrances or more then half numbers or whole numbers will be given in accordance with the number of entrances used by different families.

§ 4-104. Penalties.

[Ord. 179, 9/3/1952; as amended by Ord. 456, 5/8/1995; and by Ord. 470, 9/14/1998]

Any person, firm or corporation who shall number or attempt to number any house or building contrary to this Part and the plan hereby approved, or who shall fail or neglect to number their building or house in accordance herewith, or who shall fail to change the number thereof on notification of the Borough Council, and any person or persons who shall alter, deface, remove or destroy any number required to be displayed by this Part shall, upon conviction thereof, be sentenced to pay a fine not less than $10 nor more than $600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part

continues shall constitute a separate offense.

Chapter 5. Code Enforcement

ATTACHMENTS
Attachment 1 - Assessment Permit Application for Misc Structures
Attachment 2 - Assessment Permit Fee Schedule

PART 1. PROPERTY MAINTENANCE CODE

A.. Adoption and Amendments.

§ 5-101. Adoption of Property Maintenance Code.

[Ord. 559, 6/14/2010; amended by Ord. 605, 9/12/2022]

A certain document, three copies of which are on file in the office of the Borough Secretary/Treasurer/Administrator of the Borough of Canton, being marked and designated as the International Property Maintenance Code, 2018 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Canton, in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Canton are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in § **5-102** of this Part.

§ 5-102. Additions, Insertions and Changes.

[Ord. 559, 6/14/2010; amended by Ord. 605, 9/12/2022]

The following sections are hereby revised:

Section 101.1	Insert:	The Borough of Canton
Section 103.5	Insert:	To be adopted as a fee resolution by Borough Council.
Section 106.2	Remove:	Entire contents
	Insert:	Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a summary offense and be sentenced to a fine of not more than $300 in addition to attorney's fees and court costs incurred in such prosecution; and in default of payment, be subject to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
Section 106.3	Remove:	Entire contents
	Insert:	Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
Section 106.4	Remove:	Entire contents
Section 107	Remove:	Entire contents

Section 108	Renumber to 107	
Section 109	Renumber to 108	
Section 110	Renumber to 109	
Section 111	Renumber to 110	
Section 112	Renumber to 111	
Section 112.4	Insert:	Not less than $100 dollars or more than $1,000 dollars
Section 302.4	Insert:	Six inches
Section 304.14	Insert:	May 1 to October 15
Section 602.3	Insert:	October 1 to April 30
Section 602.4	Insert:	October 1 to April 30

§ 5-103. Saving Clause.

[Ord. 559, 6/14/2010; amended by Ord. 605, 9/12/2022]

Nothing in this Part 1A or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part 1A.

PART 2. UNIFORM CONSTRUCTION CODE

A.. Election to Enforce.

§ 5-201. Election to Enforce Pennsylvania Construction Code Act.

[Ord. 516, 6/14/2004; amended by Ord. 606, 9/12/2022]

Canton Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations through an Intermunicipal Agreement with the Eastern and Western Bradford County Councils of Government and their appointed, certified third party agency, Code Inspections, Inc.

§ 5-202. Uniform Construction Code Adopted.

[Ord. 516, 6/14/2004; amended by Ord. 606, 9/12/2022]

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

§ 5-203. Violation.

[Ord. 516, 6/14/2004; amended by Ord. 606, 9/12/2022]

Any person, firm, corporation violating any provisions of the Pennsylvania Uniform Construction Code, shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

§ 5-204. Administration and Enforcement.

[Ord. 516, 6/14/2004; amended by Ord. 606, 9/12/2022]

1. Administration and enforcement of the Code within Canton Borough shall be undertaken in any of the following ways as determined by the governing body of Canton Borough from time to time by resolution:

    A. By the designation of an employee of Canton Borough to serve as the municipal code official to act on behalf of the Borough;

    B. By the retention of one or more construction code officials or certified third-party agency(ies) to act on behalf of the Borough;

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

    D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Canton Borough;

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

§ 5-205. Board of Appeals.

[Ord. 516, 6/14/2004; amended by Ord. 606, 9/12/2022]

A Joint Board of Appeals shall be established by resolution of the Eastern and Western Bradford County Councils of Government in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein.

§ 5-206. Savings and Repeals.

[Ord. 516, 6/14/2004; amended by Ord. 606, 9/12/2022]

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

    A. All building code ordinances or portions of ordinances which are in effect as of the effective date of the ordinance codified in this Part and whose requirements are less that the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

    B. All relevant ordinances, regulations and policies of Canton Borough not governed by the Code shall remain in full force and effect.

§ 5-207. Fees.

[Ord. 516, 6/14/2004; amended by Ord. 606, 9/12/2022]

Fees assessable by Canton Borough and the Eastern and Western Bradford County Councils of Government for the administration and enforcement undertaken pursuant to this Part and collected by the Eastern and Western Bradford County Council of Governments for its use as allowed by law and established under agreement with Code Inspections, Inc.

B.. Miscellaneous Structures Not Reviewed Under the Uniform Construction Code.

§ 5-211. Statement of Intent.

[Ord. 518, 10/18/2004]

The intent of this Part 2B is to inform the Municipality on construction of structures that do not require permits under the Pennsylvania UCC for assessment purposes.

§ 5-212. Applicability.

[Ord. 518, 10/18/2004]

It shall be unlawful for any person, partnership or business or corporation to undertake, or cause to be undertaken the construction, renovation or repair of any agricultural building, manufactured housing, historical building, accessory or miscellaneous-use structure less than 500 square feet which is non-habitable and limited to one story anywhere within the Municipality unless an approved assessment permit has been obtained from the Municipality.

§ 5-213. Abrogation and Greater Restrictions.

[Ord. 518, 10/18/2004]

This Part 2B supersedes any provisions currently in effect. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

§ 5-214. Municipal Liability.

[Ord. 518, 10/18/2004]

This Part 2B shall not create liability on the part of the Municipality or any officer or employee thereof for any damages that result from reliance on this Part 2B or any administrative decision lawfully made hereunder.

§ 5-215. Application Procedures.

[Ord. 518, 10/18/2004]

1. Application for such an assessment permit shall be made in writing to the Borough of Canton Secretary, on forms provided by the Eastern and Western Bradford County Council of Governments' Codes Enforcement Committee. Such application shall contain at least the following:
    A. Name and address of applicant.
    B. Name and address of owner of land on which proposed construction is to occur.
    C. Name and address of contractor.
    D. Site location.
    E. Brief description of proposed work and estimated cost.
    F. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures with setback dimensions.

§ 5-216. Issuance of Assessment Permit.

[Ord. 518, 10/18/2004]

1. The Borough of Canton Secretary shall issue an assessment permit only after if has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes or ordinances.
2. After the issuance of an assessment permit, 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 Municipality.

§ 5-217. Start of Construction.

[Ord. 518, 10/18/2004]

Work on the proposed construction shall begin within six months from the date of issuance of the assessment permit. The proposed construction shall be completed within 12 months after the date of issuance of the assessment permit. Construction shall be considered to have started with the first placement of permanent construction to the site, such as pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings the start of construction includes the first permanent framing or assembly of the structure of any part thereof on its pilings or foundation or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, or installation of piling under proposed subsurface footings.

§ 5-218. Fees.

[Ord. 518, 10/18/2004]

A fee schedule is attached.[1]

[1] *Editor's Note: See "Assessment Permit Fee Schedule (Structures Not Covered Under the PA UCC)" following this Part.*

§ 5-219. Penalties.

[Ord. 518, 10/18/2004]

Any person who fails to comply with any or all of the requirements or provisions of this Part 2B or who fails or refuses to comply with any notice, order, or direction of the Building Official or any other authorized employee of the Municipality, shall be guilty of an offense and, upon conviction shall pay a fine to the Municipality of not less than $25 nor more than $300, plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Part 2B. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part 2B shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time.

§ 5-220. General.

[Ord. 518, 10/18/2004]

Unless specifically defined below, words and phrases used in this Part 2B shall be interpreted so as to give this Part 2B its most reasonable application.

§ 5-221. Specific Definitions.

[Ord. 518, 10/18/2004]

AGRICULTURAL BUILDING

A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

CONSTRUCTION

The construction or relocation of a building or structure.

MANUFACTURED HOUSING

Under Section 901(a) of the Act, 35 P.S. § 7210.901(a), housing which bears a label as required by and referenced in the Manufactured Housing Act, 35 P.S. §§ 1656.1-1656.9, certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety

Standards Act of 1974, 42 U.S.C.A. §§ 5401-5426.

STRUCTURE

Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings sheds and other similar items.

PART 3. FENCES AND WALLS

§ 5-301. Definitions.

[Ord. 582, 9/14/2015; amended by Ord. 607, 9/12/2022]

For the purpose of this Part, the following terms, phrases, words or 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 and the word "shall" is always mandatory and not merely directory:

BOROUGH

The Borough of Canton, Bradford County, Pennsylvania.

COUNCIL

The Council of the Borough of Canton, Bradford County, Pennsylvania.

ENFORCEMENT OFFICER

The Borough's appointed Zoning Enforcement Officer, Code Enforcement Officer or other designated agent, under this Part or any other person designated by resolution of the Canton Borough Council.

PERSON

A person owning any premises within the Borough.

§ 5-302. Fences and Walls.

[Ord. 582, 9/14/2015; amended by Ord. 607, 9/12/2022]

1. Except as specified below, fences and retaining walls may be permitted in any yard or along the edge of any yard in all zoning districts. The following provisions are not applicable for agricultural fences:

   A. A permit shall be obtained authorizing the construction, erection or replacement of any fence or wall or any part of a fence or wall. For fences six feet and under an assessment permit through the Borough is required. For fences over six feet a building permit through Code Inspections, Inc., is required. The application for a permit authorizing the construction, erection or replacement of any fence or wall or any part of a fence or wall shall include:

      (1) The type and material of the fence or wall.

      (2) The height of the fence or wall.

      (3) A drawing, sketch or plot plan of the lot including all existing buildings and structures, easements, utilities, the location of the fence or wall and the dimensions between the fence or wall and structures on the lot and the dimensions to all lot lines.

      (4) Written notice of approval of the installation of the fence or wall within any easement and any conditions of the use thereof from the easement holder.

      (5) A permit is not required for the routine maintenance of fences or walls or for the relocation or construction of fences or walls relocated or constructed to accommodate a public improvement project.

   B. All fences shall be constructed of materials normally manufactured for, used as, and, recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, brick, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials. Fence materials shall be materials approved for exterior use and are weather and decay resistant.

   C. No landowner shall use: rope; string; wire products including, but not limited to, chicken wire, hog wire, wire

fabric, barbed wire, razor wire and similar welded or woven wire fabrics; chain; netting; cut or broken glass; paper; corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other materials that are not manufactured specifically as fencing materials. No landowner shall construct a fence or wall of used, damaged or unsafe materials.

D. All fences or walls shall be installed with the finished side facing the adjoining street or property. The finished side shall be considered the side without structural supporting or mounting members.

E. Fences or walls in a front yard shall not exceed 36 inches in height, shall be an open-type of fence (such as picket, metal post, wrought iron or split rail) and shall not obstruct visibility. No fence or wall shall block a motorist's view of pedestrians or of vehicles entering or exiting the property.

F. In a residential district on a corner lot at the intersection of two streets the maximum height of a fence shall be 36 inches along the street from which the residence takes its address; the maximum in other yards shall be eight feet.

G. No fence or wall along side yards or rear yards shall exceed eight feet in height.

H. Fences that are not within a residential district shall have a maximum height of 10 feet.

I. A maximum height of 12 feet shall be permitted where the applicant proves to the Zoning and/or Code Enforcement Officer that such taller height is necessary to protect public safety around a specific hazard, such as around an electric substation.

J. All fence heights shall be measured from the average surrounding ground level.

K. No fence or wall shall be installed within two feet of any public or private street or right-of-way.

L. All fences and walls shall be installed and maintained a minimum of one foot from all side and rear lot lines.

M. All gates that adjoin any lot line shall swing inward (toward the landowner's yard).

N. No landowner shall construct a fence, wall, guy wire, brace or any fence post upon or protruding over a street line or adjoining property.

O. Fencing requirements for in-ground or above-ground swimming pools are per regulations of the Uniform Construction Code or other regulations specifically designed for swimming pools.

P. A temporary garden fence can be utilized from May to October and may be constructed from chicken wire fencing.

Q. Maintenance. All fences and walls shall be maintained by the landowner of the property in compliance with the requirements of this Part including, but not limited to, the following maintenance standards:

(1) The landowner of the fence or wall is responsible for the routine lawn maintenance of all areas between the fence or wall and the adjoining property or street line including weeding and grass cutting and trimming.

(2) The landowner shall repair broken, damaged, removed or missing parts of a fence or wall within the time frame prescribed below in § **5-304** of this Part. The repair shall be with the same material, or material with comparable composition, color, size, shape and quality of the original fence or wall to which the repair is being made.

(3) All fences and walls shall be maintained in sound structural condition.

(4) The landowner shall maintain fences and walls, including those existing prior to the adoption of this Part, at all times in a state of good repair, safe and secure condition.

(5) Existing fences or walls that were constructed prior to the adoption of this Part that were constructed with materials not currently permitted by this Part may be maintained as long as no part of the fence or wall is or becomes unsafe, dilapidated or a public nuisance. If the Borough determines the existing fence or wall is unsafe, dilapidated or a public nuisance the fence or wall must be repaired with materials approved by this Part or removed. For purposes of this Section, a "dilapidated fence or wall" means a fence or wall which is decayed, deteriorated or fallen into partial ruin.

R. Fences or Walls Within Easements.

(1) No fence or wall shall be located within any area of any easement that would adversely affect the

function of the easement or conflict with the easement agreement.

(2) Approval by the Borough to place a fence or wall upon a utility easement does not waive the obligation of the landowner of the fence or wall to remove the fence or wall upon demand of the easement holder. The landowner of the fence or wall shall remove and rebuild the fence or wall at the landowner's expense.

(3) The landowner of a fence or wall shall be responsible for the design, construction and maintenance of the fence or wall and shall be so as not to interfere with the function of the easement or normal drainage.

S. Prior to the installation of any fence or wall, the landowner should verify the limits of the property lines that may be in question. In situations where the property line is in doubt, the Zoning and/or Code Enforcement Officer may require the property owner to have a professional land surveyor determine and mark the property line in question.

§ 5-303. Waivers.

[Ord. 582, 9/14/2015; amended by Ord. 607, 9/12/2022]

1. A waiver of any requirement or provision set forth in § **5-302** of this Part may be granted at the discretion of the Borough Council.

   A. Any person seeking a waiver from any requirement or provision of § **5-302** of this Part shall submit said waiver request in writing to the Borough Secretary at least 30 days prior to the next regularly scheduled Borough Council meeting as well as any fees that may be established by resolution for administration and notification costs and expenses associated with processing the waiver request.

   B. Upon receipt of written waiver request and fee, the Borough shall notify adjoining property owner(s) of said waiver request at least 10 days prior to the next regularly scheduled Borough Council meeting when the waiver request shall be considered.

   C. All waiver request decisions by the Borough Council shall be final.

§ 5-304. Written Notice to Violators Required.

[Ord. 582, 9/14/2015; amended by Ord. 607, 9/12/2022]

1. Whenever a condition constituting a violation of this Part occurs, Council shall cause written notice to be served upon the owner in one of the following manners:

   A. By making personal delivery of the notice to the landowners.

   B. By handing a copy of the notice at the residence of the landowner to an adult member of the family with which the landowner resides, but if no adult member of the family is found, then to an adult person in charge of such residence.

   C. By affixing a copy of the notice to the door at the entrance of the premises in violation.

   D. By mailing a copy of the notice to the last known address of the owner by regular and/or certified mail.

   E. By publishing a notice in a local newspaper of general circulation within Bradford County, Pennsylvania, once a week for three successive weeks. Such notice shall set forth in detail the condition that constitutes a violation, whether removal is required by the Borough or whether the violation can be corrected by repairs, alterations, or in other some way, confining and limiting the violation.

2. Such notice shall require the owner to commence action in accordance with the terms of the notice within seven days of receipt of the notice and thereafter to comply fully with its terms within 30 days, with all materials to be supplied and work to be done at the landowner's expense; provided, however, if any provision of this Part is violated, and if the circumstances require immediate corrective measures, such notice shall require the landowner to immediately comply with the terms of the notice.

§ 5-305. Penalty for Violation.

[Ord. 582, 9/14/2015; amended by Ord. 607, 9/12/2022]

1. Council determines this Part to be a building, housing, property maintenance, health, fire and public safety ordinance.

   A. Any person violating any provision of this Part shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

   B. Council may direct the removal, repair, or alterations to any such dangerous structure by the landowner or occupier of the premises, and in default of which Council may cause the same to be done, and collect the cost thereof, together with a penalty of 10% of such cost, and attorney's fees of 5% of the claim, and may pursue collection in the manner of municipal claims, or by an action of assumpsit, or by an action in equity, to compel the landowner or occupier of the premises 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.

§ 5-306. Designation of Enforcement Officer.

[Ord. 582, 9/14/2015; amended by Ord. 607, 9/12/2022]

1. This Part shall be enforced by the Canton Borough Code Enforcement Officer, or by any other person designated, subsequent to the enactment of this Part, by resolution adopted in public session by the Canton Borough Council.

2. This Borough Code Enforcement Officer is authorized to perform all duties necessary and appropriate to be performed in the view of Canton Borough related to this Part including, but not necessarily limited to, making all necessary inspections, and enforcement of violations and penalties.

PART 4. QUALITY OF LIFE AND VIOLATIONS TICKET PROCESS

§ 5-401. Purpose.

[Ord. 604, 9/12/2022]

Lack of maintenance of properties, littering, improper storage of trash and rubbish, storage of inoperable/ nonregistered vehicles, and accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough, which reduces business and tax revenue, inhibiting economic development. The quality of life and community pride of the citizens of Canton are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Part is to promote the health, safety and general welfare of the Borough by helping to create a clean environment for the citizens of Canton.

§ 5-402. Definitions.

[Ord. 604, 9/12/2022]

The following words, terms and phrases, when used in this Part, shall be defined as follows, unless context clearly indicates otherwise:

AUTHORIZED LITTER RECEPTACLE
Is a litter collection receptacle which is placed on the public right-of-way or on public property by the Borough for use by the public to deposit small quantities of hand-held trash, but not household or commercial waste.

DEBRIS
Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

DUMPING
Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products, and other such

municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized by law.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HAZARDOUS WASTE

Any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical or infectious characteristics may:

1. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating illness.

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE (HHW)

Waste which would be chemically or physically classified as a hazardous waste, but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: toxic, flammable, reactive or corrosive. HHW consists of numerous products that are common to the average household such as: pesticides and herbicides, cleaners, automotive products, paints and acids.

INDOOR FURNITURE

Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

JUNKED VEHICLE

Any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair. The following conditions, if present, are examples of a state or condition of disrepair:

1. Rusted and/or jagged metal on or protruding from the body of the vehicle.

2. Broken glass or windows on or in the vehicle.

3. Leaking of any fluids from the vehicle or deflated or flat tire(s).

4. Unsecured and/or unlocked doors, hood or trunk.

5. Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus.

6. Harboring of rodents, insects or other pests.

   The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See all "motor vehicle nuisance."

LITTER

Includes, but is not limited to, all waste material, garbage, trash, i.e., waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, and dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

LOCAL RESPONSIBLE AGENT

Any person residing or working within the County of Bradford designated to accept service on behalf of a legal owner or operator of a rental dwelling unit.

MOTOR VEHICLE

Any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

MOTOR VEHICLE NUISANCE

A motor vehicle with one or more of the following defects:

1. Broken windshields, mirrors or other glass, with sharp edges.

2. Broken headlamps, tail lamps, bumpers or grills with sharp edges.

3. Any body parts, truck, firewall, or floorboards with sharp edges or large holes resulting from rust.
4. Protruding sharp objects from the chassis.
5. Missing doors, windows, hood, trunks or other body parts that could permit animal harborage.
6. One or more open tires or tubes or open areas on the vehicle which could permit animal harborage.
7. Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public, property owners, visitors, or residents of the property on which said vehicle is found.
8. Any excessive fluids leaking from the vehicle which may be harmful to the public or the environment.
9. Disassembled body or chassis parts stored in, on or about the vehicle.
10. Vehicles that do not display a current, valid license and registration.
11. Such other defects which the Police Department and/or Fire Department determines to be a danger to the general public or property.
12. Motor vehicles parked, drifted or otherwise located which may interfere with the flow of pedestrian or automobile traffic or impede emergency efforts.
13. Any other condition which would constitute a violation of the Canton Borough Property Maintenance Code.

MUNICIPAL WASTE

Any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments or from community activities, and which is not classified as residual waste or hazardous waste as defined herein. The term does not include source separated recyclable materials or organic waste.

NOTICE OF VIOLATION

A written document issued to a person in violation of a Borough ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

NUISANCE

Any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the Borough, or causes a blighting effect in Borough neighborhoods. See also "public nuisance."

PERSON

Every natural person, firm, corporation, partnership, association or institution.

PLANTER STRIP

The non-concrete space in the sidewalk filled with dirt and/or grass.

PRIVATE PROPERTY

Any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvements; walkways and alley-ways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited, temporary, continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

PUBLIC NUISANCE

Any conditions or premises which are unsafe or unsanitary.

PUBLIC OFFICER

Any Code Enforcement Officer or other public official designated by the Borough to enforce the Borough ordinances.

PUBLIC RIGHT-OF-WAY

The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

RECYCLABLE MATERIAL

Material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. These materials may include, but not be limited to, aluminium cans, ferrous and bi-metal cans, glass containers, plastic bottles and containers, mixed paper, white goods, major appliances, televisions, tires and large auto parts.

RESIDUAL WASTE
Any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining and agricultural operations, excluding municipal water and sewer operations.

RUBBISH
Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dusty and other similar materials.

SHADE TREE
Unless otherwise specified, includes all trees, shrubs and woody vegetation in the public right-of-way.

SIDEWALK AREA
The public right-of-way between the property line and the curb line or the established edge of the roadway.

SOLID WASTE
Any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous matters.

STORAGE
The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste, and it shall be presumed that the containment of any municipal waste in excess of three months constitutes disposal.

TREE WELL
The nonconcrete area surrounding a shade tree planted in a sidewalk area.

VEGETATION
Any planting that is cultivated and managed for edible or ornamental purposes such as vegetable gardens, trees, shrubs, hedges, flowers, etc.

VIOLATION TICKET
A form issued by a Code Enforcement Officer or public officer to a person who violates a provision of the ordinance codified in this Part. The violation ticket is an offer by the Borough of Canton extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator.

WEEDS
Shall be defined as all grasses, annual plants and vegetation, which meet any of the following criteria: (1) exceed six inches in height; (2) exhale unpleasant noxious odors or pollen such as ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush; (3) may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin; (4) encroaches onto neighboring properties by way of leaders or roots without property owners' consent; and/or (5) may cause a public nuisance. Weeds shall not include cultivated and managed vegetation planted for edible or ornamental purposes such as vegetable gardens, trees, shrubs, flowers, etc.

YARD
An open space on the same lot with a structure.

§ 5-403. Quality of Life Violations.

[Ord. 604, 9/12/2022]

1. A violation of this Part shall be defined as any violation of the Canton Borough Property Maintenance Code, and any amendments thereto, which has/have, from time to time, been adopted as an ordinance or amendment to an ordinance of Canton Borough. In addition thereto, the following actions, activities and/ or conduct shall be deemed to be a violation of this Part:

   A. Storing of Hazardous Material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish including, but not limited to, waste paper, boxes or rags unless the storage of said material(s) is stored in compliance with the applicable building codes.

   B. Borough Permits to Be Displayed and Followed. All Borough permits shall be displayed in a fashion that makes them visible from the roadway. In cases of demolition, the permit shall be displayed in the back window of a construction vehicle parked on site and visible from the roadway. Should a permittee be unable to comply with this requirement they shall have to notify the License and Permit Office of the issue

and seek immediate authorization/approval. Once the Borough provides notice to a property owner that a permit is necessary, any additional work to the property shall allow the Borough to fine the property owner and/or the person(s) performing the work for violation of this Section.

C. Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of waste, trash, rubbish or garbage.

D. Decaying Matter. No garbage, pumice, offal, dead animals, decaying matter or organic waste substance of any kind shall be thrown or deposited in any ravine, ditch, or gutter or on any street or highway, into any waters of the State or be permitted to remain exposed upon the surface of the ground, nor stored in garbage bags outside the residence.

E. Animal Maintenance and Waste/Feces Clean-Up. People owning, harboring or keeping an animal within the Borough of Canton shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.

F. Disposal of Rubbish or Garbage/Dumping. Improper disposal of rubbish or garbage, or dumping or disposing of rubbish or garbage on vacant, unoccupied or other property. In addition, any violation of any portion of any Canton Borough ordinance(s) governing garbage/waste collection and disposal shall be deemed to be a violation of this Part.

G. High Weeds, Grass or Plant Growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches (152.4 mm). All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this Part.

H. Littering or Scattering Rubbish. No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passage-way, public parking area or on any public property.

I. Motor Vehicles. It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed or nuisance motor vehicle (motor vehicle nuisance as defined above) on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

J. Outside Placement of Indoor Appliances/Furniture. It is prohibited to store or place any/all appliances or furniture including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property. If maintenance is being performed, or if the items are actively being sold in a yard sale, the items shall not be left unattended.

K. Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping and Illegal Hauling. It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner and in accordance with the Canton Borough ordinance(s) governing garbage/waste collection and disposal. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables will be in violation of this Part. Should any person or business use an unlicensed hauler to dispose of their waste, trash or recyclables, said person or business shall be in violation of this Part. Upon request of the public officer, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any parts found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove or haul waste, trash or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this Part will be a violation of this Part.

L. Storage Containers for Waste or Trash. The owner of every premises shall supply approved containers for waste/trash, as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, water tight, made of metal or plastic and otherwise be in compliance with the Canton Borough ordinance(s) governing garbage/waste collection and disposal. Containers must have tight fitting covers and must be kept clean and odor free at all times. All containers must be stored in the rear of every property so said containers are not visible from the public right-of-way. Waste/trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled waste/trash pick-up day. Once the licensed hauler removes the waste/trash from any property, all containers must be

returned to the rear of any property before daybreak on the day following pick-up. (Example: Jim Smith's trash collection day is Wednesday. Jim Smith may place his trash containers out front of his property on Tuesday night, once night falls. Jim Smith must place his trash containers in the rear of his yard before daybreak on Thursday morning).

M. Placement or Littering by Private Advertising Matter. No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area or any public property. No person, group, organization or entity will hang, place or advertise on any public property in any manner. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to without the written approval of said owner.

N. Snow and Ice Removal.

(1) Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the Borough of Canton is required to remove any snow or ice from their sidewalk within 24 hours of the cessation of said snow and ice falling. Furthermore, they must create a path, free from any snow or ice, of three feet on said sidewalk.

(2) Should any property be a place of business within the Borough of Canton, all snow and ice must be removed within 24 hours of the cessation of said snow and ice falling. Any property that is deemed a business must have the entire sidewalk free from any snow and ice. If and/or when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

(3) No owner, tenant, occupant, lessee, property agent or other person or entity shall be permitted to shovel, plow, blow, move or otherwise deposit snow into the public streets and/or sidewalks of Canton Borough to the extent that it interferes with wheeled traffic.

(4) No owner, tenant, occupant, lessee, property agent or other person or entity shall place snow on other people's property without written permission from the property owner.

(5) No owner, tenant, occupant, lessee, property agent or other person or entity shall use natural drainage features, such as streams or waterways, for the disposition of snow and/or ice accumulations.

(6) No owner, tenant, occupant, lessee, property agent or other person or entity shall pile accumulations of snow or ice in the vicinity of a fire hydrant or street signs.

O. Swimming Pools. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered and sanitary as well.

P. Burning. The disposal of trash, waste, riffraff, lawn/yard waste or any other solid waste by burning is prohibited unless done in compliance with the provisions of the Canton Borough ordinance(s) and regulations governing the burning of solid waste.

§ 5-404. Authority for Issuance of Violation Ticket.

[Ord. 604, 9/12/2022]

Upon finding a quality of life violation, any public officer of the Borough of Canton may issue quality of life violation tickets to the owner and/or occupant of the property at issue or to the individual(s) known to have violated this Part.

§ 5-405. Enforcement.

[Ord. 604, 9/12/2022]

1. The provisions of this Part shall be enforced by Code Enforcement Officers or any other public officer authorized to enforce ordinances.

2. Any violation of the provisions of this Part may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.

§ 5-406. Service.

[Ord. 604, 9/12/2022]

A violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

§ 5-407. Separate Offense.

[Ord. 604, 9/12/2022]

Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

§ 5-408. Abatement of Violation.

[Ord. 604, 9/12/2022]

1. Any person or business violating this Part is hereby directed to satisfy the Borough of Canton and its citizens upon issuance of a quality of life ticket by correcting the violation in question. A public officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Council in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

2. The Borough of Canton and/or its contractor, per the direction of the Borough, reserves the right to abate the violation in question at the expense of the owner. If the Borough has affected the abatement of the violation, the total cost thereof to include hourly wages and all items and materials used may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket, which will also be paid separately.

3. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality of life ticket, the Borough is authorized to recover from the offending party, the owner of the property or tenant the abatement charges and such other charges established by the Code Enforcement Officer and the rules and regulations.

4. Borough of Canton Clean-Up. The Borough reserves the right to perform any necessary work to abate any violation once 48 hours passes from the date of issuance of the quality of life ticket. Should the violation, at the discretion of the Code Enforcement Officer, present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of $60 per hour, per man, and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment.

5. Contractor Clean-Up. The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once 48 hours passes from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough of Canton and the Borough will forward these costs to the violator. The Borough reserves the right to add 30% process fee in additional to the cost of the contractor.

§ 5-409. Fines and Penalties.

[Ord. 604, 9/12/2022]

1. Any person who violates this Part shall pay a fine as set forth in the Borough's fee schedule resolution for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation.

2. Violation - Description - Time Frame for Abatement.

    A. QOL-000, Violation of Property Maintenance Code - 48 HOURS UNLESS AN IMMINENT PUBLIC HAZARD OR NUISANCE IS PRESENT.

B. QOL-001, Storing of Hazardous Material - IMMEDIATE.

C. QOL-002, Borough Permit to be Displayed - IMMEDIATE.

D. QOL-003, Accumulation of Rubbish or Garbage - 48 HOURS.

E. QOL-004, Decaying Matter - 48 HOURS.

F. QOL-005, Animal Maintenance and Waste/Feces Cleanup - 48 HOURS.

G. QOL-006, Disposal of Rubbish or Garbage, Dumping - 48 HOURS (any other violation of a garbage/waste disposal and removal ordinance - IMMEDIATE).

H. QOL-007, High Weeds, Grass or Plant Growth - 48 HOURS.

I. QOL-008, Littering or Scattering Rubbish - 48 HOURS.

J. QOL-009, Motor Vehicles - 48 HOURS.

K. QOL-010, Outside Placement of Indoor Appliances/Furniture - 48 HOURS.

L. QOL-011, Ownership Presumption of Waste, Trash and/or Recyclables for Illegal Dumping and Illegal Hauling - 48 HOURS.

M. QOL-012, Storage Containers for Waste or Trash - 48 HOURS.

N. QOL-013, Placement of Littering by Private Advertising Matter - 48 HOURS.

O. QOL-014, Snow and Ice Removal from Sidewalks - (sections (a) and (b)) - 48 HOURS; (sections (c), (d), (e) and (f)) - IMMEDIATE.

P. QOL-015, Swimming Pools - 48 HOURS.

Q. QOL-016, Burning - IMMEDIATE.

3. Failure of the person to make payment within 14 days of the date of a violation ticket shall result in the filing of a citation, for failure to pay with the Magisterial District Judge.

4. If violations are continuous or egregious, Code Officials have the right to issue citations without first issuing tickets, provided notice has been given. Upon issuance of four tickets for the same violation within a 365-day period, right is reserved for the Code Officials to issue citation for the fifth and subsequent offenses.

§ 5-410. Citation Fines.

[Ord. 604, 9/12/2022]

Any person, persons or entity who shall violate any provision of this Part or the ordinance codified in this Part shall be charged with a summary offense and upon conviction sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment be subject to a term of imprisonment not to exceed 30 days. The Borough may also seek civil and equitable remedies under the applicable rules of civil procedure. Each and every day that a violation of this Part continues shall constitute a separate offense.

§ 5-411. Restitution.

[Ord. 604, 9/12/2022]

The Magisterial District Judge may order the violator to make restitution where appropriate.

§ 5-412. Appeals.

[Ord. 604, 9/12/2022]

Appeals to any quality of life ticket shall be heard before the Canton Borough Board of Appeals, by application filed at the Canton Borough Office within 10 days of the issuance of the ticket hereunder. The Canton Borough Appeals

Board for appeals hereunder shall be the same appeals board designated by the Canton Borough Council to hear appeals/violations of the Property Maintenance Code.

Chapter 6. Conduct

PART 1. ALCOHOLIC BEVERAGES

§ 6-101. Prohibitions.

[Ord. 413, 8/8/1988]

1. No person shall transport or possess on his person or in a motor vehicle any beer, wine or alcoholic beverages in an open container in or upon the streets, sidewalks, alleys or public ways of the Borough of Canton or in or upon the parking areas of private shopping centers under the jurisdiction of the Police Department of the Borough of Canton.
2. No person shall consume or possess beer, wine or alcoholic beverages in an open container in or upon the property of another unless that person is a guest, licensee or invitee of the owner or occupier of the property.

§ 6-102. Penalties.

[Ord. 413, 8/8/1988; as amended by Ord. 470, 9/14/1998]

Whosoever violates any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to be imprisoned for a period not to exceed 30 days.

PART 2. LOITERING

§ 6-201. Lingering in or About Specific Facilities.

[Ord. 412, 8/8/1988]

It shall be unlawful for any person or persons to linger or remain in or about facilities of a restricted public nature including stores, laundromats, banks or other financial institutions, schools, post office, public phones, bar rooms, the Canton Borough Hall, any place of public worship or any place of business or any parking area serving any such facility except at such times as the person or persons has or have the express or implied permission or consent of the owner of the facility. Such specific places shall be deemed to include, to the fullest extent permitted as reasonable under all circumstances, any point within 100 feet of the facility. The provisions of this Section shall apply at all times and shall not be restricted to the facilities' business hours or hours of operation.

§ 6-202. Definitions.

[Ord. 412, 8/8/1988]

As used in this Part the following words or phrases shall have the meanings given to them in this Section:

BARROOM
Any facility or business licensed by the State to serve and/or sell alcoholic beverages.

PUBLIC PHONE
Any pay telephone accessible to the general public.

§ 6-203. Group Loitering.

[Ord. 412, 8/8/1988]

On any public street, including sidewalks thereof (and walls, steps or points immediately adjacent thereto, so as to minimize evasion), it shall be unlawful for three or more persons as a group or as interacting individuals or groups to linger for more than 10 minutes under circumstances that tend to annoy and/or alarm persons in that vicinity or warrant alarm for the safety of property in that vicinity.

§ 6-204. Loitering Prohibited.

[Ord. 412, 8/8/1988]

It shall be unlawful for any person to loiter or prowl in circumstances of time, place or manner not usual for law abiding individuals or which circumstances reasonably warrant alarm for the safety or security of persons or property in the vicinity of such actor. Among the circumstances which may be considered in determining whether such alarm is reasonably warranted is that the actor takes flight upon the appearance of a police officer that he or she refuses to identify himself or herself or that he or she manifestly endeavors to conceal himself or herself or any object.

§ 6-205. Penalties.

[Ord. 412, 8/8/1988; as amended by Ord. 470, 9/14/1998]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and cost, to imprisonment for a term not to exceed 30 days.

PART 3. CURFEW

[1] *Editor's Note: The preliminary provisions of Ord. 543, -/-/----, specified the purpose of the Ordinance as follows:*

"The purpose of this Ordinance is to:
Promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the Borough;
Promote the safety and well being of the Borough's youngest citizens, persons 17 years of age or under, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime; and,
Foster and strengthen parental responsibility for children."

§ 6-301. Definitions.

[Ord. 543, -/-/----]

As used within this Part, the following words and phrases shall have the meanings ascribed to them below:

CURFEW HOURS
The hours of 10:01 p.m. through 6:00 a.m. Sunday through Saturday.

EMERGENCY
Unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

ESTABLISHMENT
Any privately-owned place of business within the Borough operated for a profit, to which the public is invited, including, but not limited to any place of amusement or entertainment. With respect to such establishment, the term "operator" shall mean any person and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the police officers thereof) conducting or managing that establishment.

MINOR
Any person 17 years of age or under.

PARENT

1. A person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement).

2. A person who is the biological or adoptive parent with whom a minor regularly resides.

3. A person judicially appointed as a legal guardian of the minor.

PERSON

Refers to an individual, not to any association, corporation or any other legal entity.

POLICE OFFICER

A police or other law enforcement officer charged with the duty of enforcing the laws of the Commonwealth of Pennsylvania and/or the ordinances of the Borough of Canton.

PUBLIC PLACE

Any place to which the public or a substantial group of the public has access, including, but not limited to: streets, highways, roads, sidewalks, alleys, avenues, parks and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

REMAIN

The following actions:

1. To linger or stay unnecessarily at or upon a place.

2. To fail to leave a place when requested to do so by a police officer or by the owner, operator or other person in control of that place.

§ 6-302. Offenses.

[Ord. 543, -/-/----]

1. It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the Borough, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the Borough, unless:

   A. The minor is accompanied by a parent.

   B. The minor is involved in an emergency.

   C. The minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop.

   D. The minor is on the sidewalk directly abutting a place where he or she resides with a parent.

   E. The minor is attending an activity sponsored by a school, religious or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop.

   F. The minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information: the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand.

   G. The minor is involved in interstate travel through, or beginning or terminating in, the Borough of Canton.

   H. The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

§ 6-303. Knowledge of Offenses.

[Ord. 543, -/-/----]

1. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage such minor to violate § **6-302**.

2. It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of § **6-302**.

3. It shall be unlawful for the operator of any establishment, or for any person who is an employee thereof, to

knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the operator or employee of an establishment promptly notified the Police Department that a minor was present at the establishment after curfew hours and refused to leave.

4. It shall be unlawful for any person (including any minor) to give a false name, address or telephone number to any police officer investigating a possible violation of this Part.

§ 6-304. Enforcement.

[Ord. 543, -/-/----]

1. Minors. Before taking any enforcement action hereunder, a police officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or establishment within the Borough during curfew hours is in violation of § **6-302**.

   A. If such investigation reveals that the presence of such minor is in violation of § **6-302**, then:

      (1) If the minor has not previously been issued a warning for any such violation, then the police officer shall issue a written warning to minor's parent via mail; or,

      (2) If the minor has previously been issued a warning for any such violation, then the police officer shall charge the minor's parent with a violation of this Part and shall issue a summons requiring the minor and parent to appear in court.

   B. As soon as practicable, the police officer shall:

      (1) Notify the parent by telephone of the violation; and,

      (2) Release the minor to his or her parent(s) if they live outside of the Borough limits or deliver the minor to his or her parent(s) if they live within the Borough limits; and,

      (3) If a minor refuses to give a police officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the applicable curfew hours, or if located, no parent appears to accept custody of the minor, the police officer shall contact Bradford County Children and Youth Services to be dealt with in the manner and pursuant to such procedures as required by law.

2. Others. If an investigation by a police officer reveals that a person has violated §§ **6-303**, **6-304** and/or **6-305**, and if the person has not previously been issued a warning with respect to any such violation, a police officer shall issue a written warning to the person via mail; however, if any such warning has previously been issued to that person then the police officer shall charge the person with a violation and shall issue a summons directing the person to appear in court.

§ 6-305. Penalties.

[Ord. 543, -/-/----]

1. A parent of a minor who violates § **6-302** of this Part is, upon conviction, punishable by a fine not to exceed $600.

2. The owner, operator or employee of an establishment who violates § **6-302** of this Part is, upon conviction, punishable by a fine not to exceed $600.

§ 6-306. Effectiveness.

[Ord. 543, -/-/----]

1. Within one year after the effective date of this Part, the Borough Police Chief shall review this Part and report and make recommendations to the Borough Council concerning the effectiveness of and the continuing need for this Part. The Borough Police Chief's report shall specifically include the following information:

A. The practicality of enforcing this Part and any problems with enforcement identified by the Police Department.

B. The impact and cost of this Part.

C. Other data and information which the Police Department believes to be relevant in assessing the effectiveness of this Part.

D. Information from citizens regarding whether this Part has been administered and enforced fairly, including information regarding the age, gender and race of those charged or detained under this Part.

2. This Part shall be effective on January 7, 2008.

PART 4. THROWING OF MISSILES INTO STREETS

§ 6-401. Prohibited Acts.

[Ord. 470, 9/14/1998]

The throwing, kicking or knocking of any ball, snowballs, stones or any other missile upon or into any of the public streets, alleys or sidewalks in the Borough is hereby prohibited.

§ 6-402. Penalties.

[Ord. 470, 9/14/1998]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

PART 5. DISCHARGING OF FIREARMS PROHIBITED

§ 6-501. Discharge of Firearms Prohibited.

[Ord. 470, 9/14/1998; as amended by Ord. 584, 12/14/2015]

Except in necessary defense of person and except as provided in § **6-503** of this Part, it shall be unlawful for any person to use, fire or discharge any gun or other firearm within the Borough.

§ 6-502. Use of Air Rifles, Bows and Arrows or Similar Devices Restricted.

[Ord. 470, 9/14/1998; as amended by Ord. 584, 12/14/2015]

It shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the Borough, except as provided in § **6-503** of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

§ 6-503. Exceptions.

[Ord. 470, 9/14/1998; as amended by Ord. 584, 12/14/2015]

1. This Part shall not apply to:

A. Persons licensed to hunt in this Commonwealth while actually engaged in hunting where permitted under

the laws of the Commonwealth of Pennsylvania.

B. Members of any organization incorporated under laws of this Commonwealth engaged in target shooting upon the grounds or property belonging to or under the control of such organization.

C. Any law enforcement officers when used in the discharge of their official duties.

D. The discharge of a firearm using only blank ammunition at a military funeral, a similar ceremony or event such as Memorial Day, Patriot's Day or Veteran's Day ceremonies; provided, that the event has been advertised and the Borough of Canton has been notified. The parties in charge of the event and/or ceremonies will make an effort to notify residents in the immediate area of the ceremony in advance to prevent any miscommunication or panic.

E. The discharge of a firearm using only blank ammunition in connection with a parade and official sporting event such as a Canton Area School District cross country or track meet.

§ 6-504. Penalties for Violation.

[Ord. 470, 9/14/1998; as amended by Ord. 584, 12/14/2015]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

PART 6. PORNOGRAPHY

§ 6-601. Offenses Defined.

[Ord. 470, 9/14/1998]

1. No person, knowing the obscene character of the materials or performance involved, shall:

   A. Display or cause or permit the display of any obscene materials in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare.

   B. Sell, lend, distribute, exhibit, give away or show any obscene materials to any person 17 years of age or younger or offer to sell, lend, distribute, exhibit or give away or show, or have in his possession with intent to sell, lend, distribute, exhibit or give away or show any obscene materials to any person 17 years of age or younger, or knowingly advertise any obscene materials in any manner.

   C. Design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials.

   D. Write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had.

   E. Produce, present, or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity.

   F. Hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this Section.

§ 6-602. Definitions.

[Ord. 470, 9/14/1998]

As used in this Part the following words and phrases shall have the meanings given to them in this Section:

COMMUNITY

For the purpose of applying the "contemporary community standards" in this Section, community means the State.

KNOWING

As used in § **6-601**, knowing means having general knowledge of, or reason to know or a belief or ground for a belief which warrants further inspection or inquiry of, the character and content of the performance or any material described in § **6-601** which is reasonably susceptible of examination by the defendant.

MATERIALS

Any literature, including any book, magazine, pamphlet, newspaper, story paper, comic book and any figure, visual representation or image including any drawing, photograph, picture or motion picture.

OBSCENE

Any material, materials or performance is "obscene" if:

1. The average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest; and,

2. The subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this Section; and,

3. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

PERFORMANCE

Any play dance or other live exhibition performed before an audience.

SEXUAL CONDUCT

As used in § **6-602** means patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibitions of the genitals.

TRANSPORTATION FACILITY

Any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, rail, motor vehicle or any other method, including aircraft, watercraft, railroad, cars, buses, and air, boat, railroad and bus terminals and stations.

§ 6-603. Dissemination to Minors.

[Ord. 470, 9/14/1998]

1. No person shall knowingly disseminate by sale, loan or otherwise, explicit sexual materials to a minor. "Explicit sexual materials," as used in this Section, means materials which are obscene or:

   A. Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or,

   B. Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in Subsection **1**, or explicit and detailed verbal descriptions or narrative account of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

§ 6-604. Admitting Minor to Show.

[Ord. 470, 9/14/1998]

It shall be unlawful for any person knowingly to exhibit for monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pas or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited, a motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors, except that the foregoing shall not apply to any minor accompanied by his parent.

§ 6-605. Definitions.

[Ord. 470, 9/14/1998]

As used in §§ **6-603** and **6-604**:

HARMFUL TO MINORS

That quality of any description or representation in whatever form of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

1. Predominately appeals to the prurient, shameful or morbid interest of minors; and,
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and,
3. Is utterly without redeeming social importance for minors.

KNOWINGLY

Having general knowledge of, or reason to known, or a belief or ground for belief which warrants further inspection or inquiry or both:

1. The character and content of any material described herein which is reasonably susceptible of examination by the defendant; and,
2. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

MINOR

Any person under the age of 17 years.

NUDITY

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

SADOMASOCHISTIC ABUSE

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

SEXUAL CONDUCT

Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed genitals, pubic area, buttocks or, if such person be a female, breast.

SEXUAL EXCITEMENT

The condition of human male or female genitals when in a state of sexual stimulation or arousal.

§ 6-606. Requiring Sale as Condition of Doing Business.

[Ord. 470, 9/14/1998]

No person shall knowingly require any distributor or retail seller as a condition to sale or delivery for resale or consignment of any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter, or any article or instrument to purchase or take by consignment for purposes of sale, resale or distribution any obscene literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature or any article or instrument of an obscene nature.

§ 6-607. Exemptions.

[Ord. 470, 9/14/1998]

Nothing in this Part shall apply to any recognized historical society or museum accorded charitable status by the Federal Government, any county, city, borough, township or town library, any public library, any library of any school, college or university or any archive or library under the supervision and control of the Commonwealth or a political subdivision.

§ 6-608. Fines and Penalties.

[Ord. 470, 9/14/1998]

Any person violating any provision of this Part shall, upon conviction thereof, be sentenced to a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which a violation of this Part shall continue shall constitute a separate offense.

PART 7. SYNTHETIC CANNABIS AND OTHER SYNTHETIC DRUGS

§ 6-701. Definitions.

[Ord. 562, 6/13/2011]

The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

DELIVER OR DELIVERY

Actual, constructive or attempted transfer of possession of synthetic cannabis and synthetic drugs, with or without consideration, whether or not there is an agency relationship.

KNOWLEDGE

Knows, acts knowingly or with knowledge:

1. The nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.

2. The results of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.

3. Knowledge may be inferred from the surrounding circumstances.

MANUFACTURE

The production, preparation, propagation, compounding, conversion, or processing of synthetic cannabis or synthetic drugs, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or synthetic drugs or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis or synthetic drugs as an incident to lawful research, teaching or chemical analysis and not for sale.

METHYLENEDIOXYPYROVALERONE (MDPV)

A psychoactive drug with stimulant properties which acts as a norepinephrine-dopamine reuptake inhibitor (NDRI). Reportedly, it has been sold since around 2004 as a research chemical. It is also known as MDPK, Magic, Super Coke and PV. In 2010 it was reportedly sold as a legal drug alternative and marketed in the United States as "bath salts" (under such names as Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Vanella Sky, Bonzai Grow, Blue Silk, Serenity Now, Lovey Dovey, Euphoria, Aura, Red Dove and White Dove.

PERSON

Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

POSSESSION

Possession may be either actual or constructive.

1. Actual possession means exercising physical dominion.

2. Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis, synthetic drug or drug paraphernalia.

PRODUCE OR PRODUCTION

Planting, cultivating, tending or harvesting.

SYNTHETIC CANNABIS

Includes the brand names K2 and Spice. It is a herbal and chemical product which mimics the effects of Cannabis including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073, JWH-200, HU-210, CP-47, 497, CP 55 and 212-2.

§ 6-702. Unlawful to Sell, Lend, Rent, Lease, Give, Exchange or Otherwise Distribute.

[Ord. 562, 6/13/2011]

It is unlawful for any persons or corporation knowing, or under circumstances where one reasonably should know to sell, lend, rent, lease, give, exchange or otherwise distribute to any persons or corporation any product containing the following chemicals: JWH-018, JWH-073, JWH-200, CP-47, 497, Cannabicyclohexanol, CP 55, 490, HU-210 or Methylenedioxy-pyrovalerone and marketed as Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Red Dove and White Dove, Spice, K-2, Blaze and Red X Dawn, but not limited to, incense, potpourri, plant fertilizers, insect repellant or bath salts.

§ 6-703. Unlawful to Display for Sale or Possess With Intent to Distribute.

[Ord. 562, 6/13/2011]

It is unlawful for any person or corporation, knowing, or under any circumstances where one reasonably should know, to display for sale or possess with intent to distribute any product containing the following chemicals: JWH-018, JWH-073, JWH-200, CP-47, 497, Cannabicyclohexanol, CP 55, 490, HU-210 or Methylenedioxypyrovalerone and marketed as Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Red Dove and White Dove, Spice, K-2, Blaze and Red X Dawn, but not limited to incense, potpourri, plant fertilizers, insect repellant or bath salts.

§ 6-704. Unlawful to Use, or to Possess With Intent to Use, Ingest, Inhale or Otherwise Introduce Into the Human Body.

[Ord. 562, 6/13/2011]

It is unlawful for any person to use, or to possess with intent to use, ingest, inhale or otherwise introduce into the human body any product containing the following chemicals: JWH-018, JWH-073, JWH-200, CP-47, 497, Cannabicyclohexanol, CP 55, 490, HU-210 or Methylenedioxypyrovalerone and marketed as Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Red Dove and White Dove, Spice, K-2, Blaze and Red X Dawn, but not limited to incense, potpourri, plant fertilizers, insect repellant or bath salts.

§ 6-705. Penalties.

[Ord. 562, 6/13/2011]

1. Violation. No person shall possess any substance containing synthetic cannabis or synthetic drugs.
2. Penalty. Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than $100 and no more than $300 and/or undergo imprisonment for not more than 90 days.
3. Administrative Fee. In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee to the law enforcement agency for testing of the substance(s) collected.
4. Forfeiture. Any items which may be seized or forfeited pursuant to statues or guidelines for the Commonwealth of Pennsylvania, may be forfeited in the same manner as described therein for a violation of this Section.

§ 6-706. Conflict.

[Ord. 562, 6/13/2011]

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Part are hereby repealed to the extent of such inconsistency or conflict.

PART 8. BOROUGH OWNED PROPERTIES RULES AND REGULATIONS

§ 6-801. Rules and Regulations.

[Ord. 569, 8/12/2013]

1. No alcoholic beverages are allowed on any property owned by Canton Borough.
2. No illegal drugs are allowed on any property owned by Canton Borough.
3. Smoking on property owned by Canton Borough is only allowed in designated areas.

§ 6-802. Exceptions.

[Ord. 569, 8/12/2013]

Anyone wanting an exception to this Part shall put the request in writing and submit it to the Borough Secretary for review by the appropriate representatives of the Borough. If possible, two weeks' notice shall be provided to Canton Borough for any requests for exceptions.

§ 6-803. Enforcement.

[Ord. 569, 8/12/2013]

Enforcement will be made by Canton Borough.

§ 6-804. Violations.

[Ord. 569, 8/12/2013]

1. A written warning will be sent to the offender for the first offense. Subsequent offenses will result in a citation.
2. Where there is an offense within an organization, only one written warning will be sent to the organization as a whole as well as the individual violating this Part; any subsequent offenses will result in a citation to the individual.

§ 6-805. Penalties.

[Ord. 569, 8/12/2013]

Any person or business that shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than $600 plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues, after notice, shall constitute a separate offense.

Chapter 7. Fire Prevention and Fire Protection

PART 1. FIRE APPARATUS AND EQUIPMENT

§ 7-101. Protection of Fire Hydrants.

[Ord. 197, 7/8/1955]

No person shall place ashes, cinders, dirt, rubbish, building material or other material of any sort whatsoever around

or close to any fire hydrant in the Borough of Canton so as to cause hindrance or delay in access thereto or use thereof. No person at any time shall in any way interfere with or tamper with any fire hydrant or attempt to take water therefrom without special authority from the Fire Chief or the person acting as such or from the Fire Committee of the Borough Council.

§ 7-102. Riding Upon and Use of Fire Apparatus.

[Ord. 197, 7/8/1955]

Without the consent of the Fire Chief or the person acting as such or the Fire Committee of Council no person not an active member of the Canton Fire Department shall at anytime ride upon any of the fire apparatus of the Borough or of any of the companies belonging to such Department. Nor shall any person make use of any fire apparatus, hose or other equipment of the Fire Department other than for the purpose for which the same in intended without such consent.

§ 7-103. Prohibited Entry into Buildings.

[Ord. 197, 7/8/1955]

No person not actually engaged in the extinguishment of a fire or the saving of property endangered thereby shall enter any building in which a fire is being fought by the Fire Department, either during or after such fire, without the consent of the owner or occupant of such building.

§ 7-104. Prohibited Entry into Fire Lines.

[Ord. 197, 7/8/1955]

No person not an active member of the Canton Fire Department shall at any time enter within the fire lines, being the roped-off area around or in the vicinity of any fire, or interfere with or attempt to operate any of the apparatus or equipment of such Fire Department or any fire hydrant or interfere by giving orders unless requested to do so by the Fire Chief or the person acting as such with proper authority; provided, the Mayor or any member of Council, any policeman or special fire policeman or any other law enforcement officer or the owner or occupant of any property within the fire lines and such other persons as may be specifically passed by the Fire Chief or the person acting as such may enter within such fire lines.

§ 7-105. Powers of Special Fire Police.

[Ord. 197, 7/8/1955]

The Mayor and any policeman of the Borough, including any member of the special fire police, shall have the power, in case of fire, to disperse all collections of idle, disorderly and suspicious persons and of persons hindering the fighting of fire by their presence and in any other way deemed necessary to preserve order and prevent the commission of offenses on such occasions. Any person interfering with or refusing to obey any such officer in the discharge of such duty shall be guilty of a violation of this Part.

§ 7-106. Penalties.

[Ord. 197, 7/8/1955; as amended by Ord. 470, 9/14/1998]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 and, in default of payment, to imprisonment for a term not to exceed 30 days.

PART 2. AIR POLLUTION CONTROL

§ 7-201. Title.

[Ord. No. 2023-612, 11/13/2023[1]]

This Part shall be known and may be cited as the "Canton Borough Air Pollution Control Ordinance of 2023."

[1] *Editor's Note: This ordinance also repealed former Part 2, Air Pollution Control, adopted by Ord. No. 558, adopted 6/14/2010.*

§ 7-202. Authority.

[Ord. No. 2023-612, 11/13/2023]

The Council of Canton Borough, under, and by virtue of, and pursuant to, the authority granted by the Pennsylvania Borough Code, do hereby enact and ordain this Part.

§ 7-203. Policy.

[Ord. No. 2023-612, 11/13/2023]

Whereas, the Council of Canton Borough has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Canton Borough, it is hereby declared to be the policy of Canton Borough to safeguard the citizens of Canton Borough from such air pollution.

§ 7-204. Definitions.

[Ord. No. 2023-612, 11/13/2023]

1. The following words, terms and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

AIR CURTAIN DESTRUCTOR
A mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

BURNING
The act of consuming by fire; to flame, char, scorch, or blaze. As used in this Part, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

CLEARING AND GRUBBING WASTES
Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

COMPOSTING
The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

COUNCIL
Canton Borough Council.

DOMESTIC REFUSE
Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires or treated wood.

MUNICIPALITY
A city, incorporated town, township, borough, county, municipal authority, or other public body created under state law having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

OPEN BURNING
A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PERSON

Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth or the federal government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

YARD WASTE

Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

§ 7-205. Regulations.

[Ord. No. 2023-612, 11/13/2023]

1. Domestic refuse may be burned so long as the following provisions are met:
   A. It is burned in a noncombustible container located a minimum of 15 feet from any building.
   B. It is burned between the hours of sunrise to sunset.
   C. The waste is completely burned and destroyed and no ashes left to smolder.
   D. The container is fitted with a screening device which shall have openings that are not larger than one inch square to prevent flying ashes and debris.
   E. Nonpermitted items: garbage, items with petroleum products in them (e.g., linoleum and tires), disposable diapers, leaves, other items which produce dense, noxious smoke and/or fumes, and any other items not specifically permitted to be burned under the provisions of this section.
   F. Permitted items: paper products, wood products, tree and shrub trimmings.
   G. No more than one noncombustible container per residence or rental unit.

§ 7-206. Exceptions.

[Ord. No. 2023-612, 11/13/2023]

1. Fire pits, chimineas, outdoor tables with fire pits, and fire rings are permitted as exceptions to this Part, provided that they are used for their intended purpose, exclusively, with the following restrictions:
   A. Flames are to be extinguished no later than midnight and no ashes should be left to smolder;
   B. Only nontreated wood products may be burned;
   C. All containers shall have a screen cover which shall have openings not larger than one inch square to prevent flying ashes;
   D. All containers shall be located a minimum of 15 feet from any building or structure.

§ 7-207. Additional Regulations.

[Ord. No. 2023-612, 11/13/2023]

1. After June 14, 2010, no person may permit the open burning of material with the exception of the following as long as all other provisions of this Part are followed:
   A. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.
   B. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office.
   C. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office.

D. A fire set for the purpose of burning clearing and grubbing waste. If within an air basin an air curtain destructor must be used and must be approved by the Department of Environmental Protection's Regional Air Quality Program office.

E. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

F. A fire set for the purpose of burning that amount of domestic refuse generated from one dwelling, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less and when the refuse results from the normal occupancy of said structure.

G. A fire set for the purpose of burning that amount of yard waste generated from the premises of a structure occupied solely as a dwelling by two families or less (except where composting is mandatory), when the fire is on the premises of said structure.

H. A fire set solely for cooking food.

I. A fire set solely for recreational or ceremonial purposes.

§ 7-208. Enforcement Orders.

[Ord. No. 2023-612, 11/13/2023]

1. The Canton Borough Codes Compliance Officer, or his designee, shall have the power and duty to enforce the provisions of this Part.

2. Canton Borough may issue such orders as are necessary to aid in the enforcement of the provisions of this Part. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this Part; orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information. Such an order may be issued if Canton Borough finds that any condition existing in or on the facility or source involved is causing or contributing to open burning or if Canton Borough finds that any person is in violation of any provision of this Part.

3. Canton Borough may, in its order, require compliance with such conditions as are necessary to prevent or abate open burning or effect the purposes of this Part.

4. An order issued under this section shall take effect upon notice, unless the order specifies otherwise.

5. The authority of Canton Borough to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this Part. The failure to comply with any such order is hereby declared to be a public nuisance.

§ 7-209. Responsibility of Owners and Operators.

[Ord. No. 2023-612, 11/13/2023]

1. Whenever the Canton Borough Codes Compliance Officer, or his designee, finds that open burning is occurring in Canton Borough, other than those exceptions noted in § **7-206**, the Canton Borough Codes Compliance Officer, or his designee, may order the owner or operator to take corrective action in a manner satisfactory to Canton Borough, or the Canton Borough Codes Compliance Officer, or his designee, may order the owner or operator to allow access to the land by the Canton Borough Codes Compliance Officer, or his designee, or a third party to take such action.

2. For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, Canton Borough may collect the amount in the same manner as civil penalties are assessed and collected following the process for assessment and collection of a civil penalty contained in § **7-211** of this Part.

§ 7-210. Controlled Burns.

[Ord. No. 2023-612, 11/13/2023]

1. Controlled burns on private property will be allowed within the limits of Canton Borough as long as the Innes Hose Company, Inc., is present on the premises. The requirements of § **7-205**, Subsections **1B**, **C**, **E**, and **F** will still apply during a controlled burn.
2. The property owner requesting the controlled burn must contact the owners or residents of all occupied structures within 150 feet of the location of the controlled burn site.
3. No controlled burns shall be permitted on Sundays.

§ 7-211. Criminal Penalties.

[Ord. No. 2023-612, 11/13/2023]

Any person, firm or corporation who shall violate any provision of this Part shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorneys' fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

§ 7-212. Unlawful Conduct.

[Ord. No. 2023-612, 11/13/2023]

It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this Part or to fail to comply with any order or other requirement of Canton Borough; or to cause a public nuisance; or to cause air, soil, or water pollution resulting from an open burning incident; or to hinder, obstruct, prevent, or interfere with Canton Borough or its personnel in their performance of any duty hereunder, including denying the Canton Borough Codes Compliance Officer, or his designee, access to the source or facility; or to violate the provisions of 18 Pa.C.S.A. § 4903 (relating to false swearing) or § 4904 (relating to falsification to authorities) in regard to papers required to be submitted under this Part. The owner or operator of an open burning source shall not allow pollution of the air, water, or other natural resources of Canton Borough to result from the source.

§ 7-213. Public Nuisance.

[Ord. No. 2023-612, 11/13/2023]

A violation of this Part or of any order issued by Canton Borough under this Part shall constitute a public nuisance. Canton Borough shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, Canton Borough may recover the expenses of abatement following the process for assessment and collection of a civil penalty contained in § **7-211**. Whenever the nuisance is maintained or continued contrary to this Part or any order issued pursuant to this Part the nuisance may be abatable in the manner provided by this Part. Any person who causes the public nuisance shall be liable for the cost of abatement.

PART 3. FIRE INSURANCE PROCEEDS

§ 7-301. Authority.

[Ord. 597, 7/13/2020]

The Borough Secretary, or such official's designee, is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

§ 7-302. Certificate Required When.

[Ord. 597, 7/13/2020]

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the

Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough (hereinafter "municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds $7,500, unless the insuring agent is furnished by the municipal Treasurer with a municipal certificate pursuant to Section 508(B) of Act 98 of 1992 as amended and unless there is compliance with Section 508(C) of Act 98 of 1992 as amended and the provisions of this Part.

§ 7-303. Claim Payment Procedures.

[Ord. 597, 7/13/2020]

1. Where pursuant to Section 508(B)(1)(I) of Act 98 of 1992, as amended, the municipal Treasurer issues a certificate indicating that there are not delinquent taxes, assessments, penalties, or user charges against real property, the insuring agent shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

   A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the municipality in the aggregate of $2,000 for each $15,000 of a claim and, for each fraction of that amount of a claim, this Section to be applied such that if the claim is $15,000 or less, the amount transferred to the municipality shall be $2,000; or

   B. If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the municipality from the insurance proceeds the amount specified in the estimate.

   C. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.

   D. After the transfer, the named insured shall submit a contractor's signed estimate within 60 days of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the municipality in excess of the estimate to the named insured, if the municipality has not commenced to remove, repair or secure the building or other structure.

   E. Upon receipt of proceeds under this Section, the municipality shall do the following:

      (1) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the municipality. Such costs shall include all reasonable and customary engineering, legal or administrative costs incurred by the municipality in connection with such removal, repair, or securing of the building or any proceedings related thereto; and

      (2) It is the obligation of the insuring agent when transferring the proceeds to provide the municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the name insured, certify that the proceeds have been received by the municipality and notify the named insured that the procedures under this subsection shall be followed; and

      (3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the municipality and the required proof of such completion received by the designated officer, and if the municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the municipality shall transfer the remaining funds to the named insured; and

      (4) To the extent that interest is earned on proceeds held by the municipality pursuant to this Section, and not returned to the named insured, such interest shall belong to the municipality. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

   F. Nothing in this Section shall be construed to limit the ability of the municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

§ 7-304. Implementation - Fees.

[Ord. 597, 7/13/2020]

The Council of the Borough may by resolution adopt procedures and regulations to implement Act 98 of 1992 as amended and this Part may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 as amended and this Part, including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

§ 7-305. Penalty.

[Ord. 597, 7/13/2020]

Any owner of property, any named insured or any insuring agent who violates this Part shall be subject to a penalty of up to $1,000 per violation.

PART 4. OUTDOOR FUEL BURNING APPLIANCES

§ 7-401. Purpose and Scope.

[Ord. 531, 7/10/2006]

1. Residences, commercial and industrial establishments situated within the Borough are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within densely populated area.
2. Research indicates that outdoor fuel burning appliances cause emission problems that cross property lines because the smoke stays close to the ground it can easily reach humans working or playing outdoors or penetrate neighboring buildings. It also causes problems with smoke visibility. The low lying smoke can worsen cardiovascular problems such as angina, irritate eyes and lungs, trigger headaches, worsen respiratory diseases such as asthma, emphysema and bronchitis.

§ 7-402. Definitions.

[Ord. 531, 7/10/2006]

CHIMNEY
: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating device, especially that part of such structures extending above a roof.

OUTDOOR FUEL BURNING APPLIANCE
: A device including any furnace, stove or boiler designed and constructed to burn oil, wood, coal or other fuels manufactured for placement outdoors for the heating of the living area of a structure.

§ 7-403. Regulations for New Outdoor Fuel Burning Appliances.

[Ord. 531, 7/10/2006]

1. Any new outdoor fuel burning appliance must have or meet the following:
    A. A safe flue or chimney which has a minimum termination height of 20 feet above the natural ground level upon which the appliance is located.
    B. A "scrubber" or filter type system attached to the appliance.
    C. A fan or blower attached to the appliance to increase the efficiency of the appliance.
    D. Be located not less than 100 feet from any property line.

2. All outdoor fuel burning appliances are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

3. All outdoor fuel burning appliances shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

4. The owner of the outdoor fuel burning appliance shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Part.

5. No homemade outdoor fuel burning appliances will be allowed.

6. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. The burning in outside furnaces of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing permitted by the manufacturer is prohibited.

7. A permit must be acquired prior to the installation of any outdoor furnace appliance, and an inspection completed prior to the operation of subject appliance. The permit fee is $75, and the inspection will be completed by a representative of Code Inspections, Inc.

8. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with your trash.

9. All outdoor fuel burning appliances may only be utilized for the sole purpose of furnishing heat to a residence and hot water during the period of October 1 through April 30; and only if the outdoor fuel burning appliance meets the requirements of this Part.

10. If an outdoor fuel burning appliance is more than 50% torn down, physically deteriorated or decayed, the appliance must be removed and/or replaced with a new unit.

11. All storage of materials being burnt in the outdoor fuel burning appliance shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease-carrying rodents.

§ 7-404. Regulations for Existing Outdoor Fuel Burning Appliances.

[Ord. 531, 7/10/2006]

1. All outdoor fuel burning appliances are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

2. All outdoor fuel burning appliances shall be operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

3. All outdoor fuel burning appliances in existence at the effective date of this Part shall have or must erect a safe flue or chimney which has a minimum termination height of 20 feet above the natural ground level upon which the appliance is located.

4. All outdoor fuel burning appliances in existence at the effective date of this Part shall have or must install a "scrubber" or filter type system attached to the appliance.

5. All outdoor fuel burning appliances in existence at the effective date of this Part shall have or must install fan or blower to increase the efficiency of the appliance.

6. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. The burning in outside furnaces of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing

permitted by the manufacturer is prohibited.

7. All outdoor fuel burning appliances may only be utilized for the sole purpose of furnishing heat to a residence and hot water during the period of October 1 through April 30; and only if the outdoor fuel burning appliance meets the requirements of this Part.

8. If an outdoor fuel burning appliance is more than 50% torn down, physically deteriorated or decayed, the appliance must be removed and/or replaced with a new unit and the new unit must comply with all of the regulations listed in § **7-403** of this Part.

9. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with your trash.

10. All storage of materials being burnt in the outdoor fuel burning appliance shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease-carrying rodents.

§ 7-405. Enforcement.

[Ord. 531, 7/10/2006]

It shall be the duty of the Borough Police Department, Code Enforcement Officer and/or Code Inspections, Inc., to enforce the terms of this Part and secure compliance with the requirements thereof.

§ 7-406. Penalties.

[Ord. 531, 7/10/2006]

Any person, firm or corporation who shall violate any provision of this Part, shall upon conviction thereof be sentenced to pay a fine of not more than $500 and in default of payment of said fine, to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues, shall constitute a separate offense.

§ 7-407. Effective Date.

[Ord. 531, 7/10/2006]

1. This Part shall take effect 35 days from the date of enactment.

2. Exceptions:

   A. For Borough residents who have existing outdoor fuel burning appliances in place that do not conform to § **7-404**, Subsection **7**, that portion of this Part will take effect August 31, 2006.

   B. For Borough residents who have existing outdoor fuel burning appliances in place that do not conform to § **7-404**, Subsections **3**, **4**, and **5**, those portions of this Part will take effect October 1, 2006.

Chapter 8. Floodplains

PART 1. STATUTORY AUTHORIZATION

§ 8-101. Statutory Authorization.

[Ord. 572, 9/8/2014]

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of the Borough of Canton does hereby order as follows.

PART 2. GENERAL PROVISIONS

§ 8-201. Intent.

[Ord. 572, 9/8/2014]

1. The intent of this Chapter is to:
   A. Promote the general health, welfare, and safety of the community.
   B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
   C. Minimize danger to public health by protecting water supply and natural drainage.
   D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
   E. Comply with Federal and State floodplain management requirements.

§ 8-202. Applicability.

[Ord. 572, 9/8/2014]

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough of Canton unless a permit has been obtained from the Floodplain Administrator. In addition, a building permit may not be issued until such time as the County Planning Commission issues a land development approval, when applicable.
2. A permit shall not be required for minor repairs to existing buildings or structures.

§ 8-203. Abrogation and Greater Restrictions.

[Ord. 572, 9/8/2014]

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

§ 8-204. Warning and Disclaimer of Liability.

[Ord. 572, 9/8/2014]

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

PART 3. ADMINISTRATION

§ 8-301. Designation of the Floodplain Administrator.

[Ord. 572, 9/8/2014]

1. The Borough Secretary is hereby appointed to administer and enforce this Chapter and is referred to herein as the "Floodplain Administrator." The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.
2. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Council President.

§ 8-302. Permits Required.

[Ord. 572, 9/8/2014]

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

§ 8-303. Duties and Responsibilities of the Floodplain Administrator.

[Ord. 572, 9/8/2014]

1. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); 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. § 1344. No permit shall be issued until this determination has been made.
3. In the case of existing structures, prior to the issuance of any development/permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss concerns can be addressed before the permit is issued.
4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.
6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the Council for whatever action it considers necessary.
7. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this Chapter including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
8. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
9. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the Floodplain Administrator/Manager.

10. The Floodplain Administrator shall consider the requirements of the 34 Pa. Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

§ 8-304. Application Procedures and Requirements.

[Ord. 572, 9/8/2014]

1. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Borough of Canton. Such application shall contain the following:

   A. Name and address of applicant.

   B. Name and address of owner of land on which proposed construction is to occur.

   C. Name and address of contractor, along with license number.

   D. Site location including address.

   E. Listing of other permits required.

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

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

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

   A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.

   B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

   C. Adequate drainage is provided so as to reduce exposure to flood hazards.

   D. Structures will be anchored to prevent flotation, collapse, or lateral movement.

   E. Building materials are flood-resistant.

   F. Appropriate practices that minimize flood damage have been used.

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

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

   A. A completed permit application form.

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

      (1) North arrow, scale, and date.

      (2) A location map showing the vicinity in which the proposed activity or development is to be located within the Borough.

      (3) Topographic contour lines, if available.

      (4) All property and lot lines including dimensions and the size of the site expressed in acres or square feet.

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

(6) The location of all existing streets, drives, and other access ways.

(7) 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.

C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

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

(2) The elevation of the base flood.

(3) Detailed architectural or engineering drawings including building size, floor plans, sections and exterior building elevations, as appropriate.

(4) Detailed information concerning any proposed floodproofing measures.

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

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

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

(8) Soil types.

(9) Supplemental information as may be necessary under 34 Pa. Code, the 2009 IBC or the 2009 IRC.

D. The following data and documentation:

(1) Detailed information concerning any proposed floodproofing measures and corresponding elevations.

(2) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effective of any proposed development within any identified floodplain area (see § **8-401**) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.

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

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

(4) Detailed information needed to determine compliance with § **8-503**, Subsection **1F**, "Storage," and § **8-504**, "Development Which May Endanger Human Life," including:

(a) The amount, location and purpose of any materials or substances referred to in §§ **8-503**, Subsection **1F**, and **8-504** which are intended to be used, produced, stored or otherwise maintained on site.

(b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § **8-504** during a base flood.

(5) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

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

4. Applications for permits shall be accompanied by a fee, payable to the municipality, based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

§ 8-305. Review by County Conservation District.

[Ord. 572, 9/8/2014]

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 Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§ 8-306. Review of Application by Others.

[Ord. 572, 9/8/2014]

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

§ 8-307. Changes.

[Ord. 572, 9/8/2014]

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

§ 8-308. Placards.

[Ord. 572, 9/8/2014]

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

§ 8-309. Start of Construction.

[Ord. 572, 9/8/2014]

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

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

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

§ 8-310. Enforcement.

[Ord. 572, 9/8/2014]

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

   A. Be in writing.

   B. Include a statement of the reasons for its issuance.

   C. Allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires.

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

   E. Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Chapter.

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

§ 8-311. Appeals.

[Ord. 572, 9/8/2014]

1. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Chapter, may appeal to the Canton Borough Zoning Hearing Board. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.

2. Upon receipt of such appeal the Canton Borough Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.

3. Any person aggrieved by any decision of the Canton Borough Zoning Hearing Board may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

PART 4. IDENTIFICATION OF FLOODPLAIN AREAS

§ 8-401. Identification.

[Ord. 572, 9/8/2014]

1. The identified floodplain area shall be:

   A. Any areas of the Borough of Canton, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated October 16, 2014, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

   B. Any community identified flood hazard areas.

2. When preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:

A. Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace all flood hazard data previously provided from FEMA for the purposes of administering these regulations.

B. Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be required only where no base flood elevations and/or floodway areas were determined or where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

3. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Borough of Canton and declared to be a part of this Chapter.

§ 8-402. Description and Special Requirements of Identified Floodplain Areas.

[Ord. 572, 9/8/2014]

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

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

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

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

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

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

(2) AE area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.

(a) No permit shall be granted for any construction, development, use, or activity within any AE area/district without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE at any point.

(b) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

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

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic

and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

D. The AO and AH Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1%-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

E. Community identified flood hazard areas shall be those areas where the Borough of Canton has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

§ 8-403. Changes in Identification of Area.

[Ord. 572, 9/8/2014]

The identified floodplain area may be revised or modified by the Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the special flood hazard area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available; a community shall notify the FEMA of the changes to the special flood hazard area by submitting technical or scientific data. See § **8-501**, Subsection **2**, for situations where FEMA notification is required.

§ 8-404. Boundary Disputes.

[Ord. 572, 9/8/2014]

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

§ 8-405. Jurisdictional Boundary Changes.

[Ord. 572, 9/8/2014]

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

PART 5. TECHNICAL PROVISIONS

§ 8-501. General.

[Ord. 572, 9/8/2014]

1. Alteration or Relocation of Watercourse.

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

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

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

2. When a community proposes to permit the following encroachments:

   A. Any development that causes a rise in the base flood elevations within the floodway.

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

   C. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

   The applicant shall (as per 44 CFR Part 65.12):
   A. Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
   B. Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
   C. Upon completion of the proposed encroachments, a community shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR, Part 67.

3. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.

§ 8-502. Elevation and Floodproofing Requirements.

[Ord. 572, 9/8/2014]

1. Residential Structures.

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

   B. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with § **8-402**, Subsection **1C**, of this Chapter.

   C. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.

   D. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code, Chapters 401-405, as amended, shall be utilized, where they are more restrictive.

2. Non-residential Structures.

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

      (1) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

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

   B. In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with § **8-402**, Subsection **1C**, of this Chapter.

C. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

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

E. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 Pa. Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

3. Space below the Lowest Floor.

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

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

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

(2) The bottom of all openings shall be no higher than one foot above grade.

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

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

5. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

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

B. Floor area shall not exceed 200 square feet.

C. The structure will have a low damage potential.

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

E. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.

F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

G. Sanitary facilities are prohibited.

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

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

(2) The bottom of all openings shall be no higher than one foot above grade.

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

§ 8-503. Design and Construction Standards.

[Ord. 572, 9/8/2014]

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

   A. Fill.

      (1) Within any identified floodplain area the use of fill shall be prohibited. If a variance is obtained in accordance with the criteria in Part **8**, then the following provisions apply:

      (2) If fill is used, it shall:

         (a) Extend laterally at least 15 feet beyond the building line from all points.

         (b) Consist of soil or small rock materials only. Sanitary Landfills shall not be permitted.

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

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

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

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

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

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

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

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

   F. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in § **8-504**, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation or flood proofed to the maximum extent possible.

   G. Placement of Buildings and Structures.

      (1) All buildings and structures shall be designed, located, and constructed so as to offer the minimum

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

(2) The following shall not be placed or caused to be placed in identified floodprone areas: fences, except two wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodprone areas.

H. Anchoring.

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

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

I. Floors, Walls and Ceilings.

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

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

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

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

J. Paints and Adhesives.

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation 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 feet above the base flood elevation.

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

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

M. Fuel Supply Systems. 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.

N. Uniform Construction Code Coordination. The standards and specifications contained 34 Pa. Code, Chapters 401-405, as amended and not limited to the following provisions shall apply to the above and other Sections and subsections of this Chapter, to the extent that they are more restrictive and supplement the requirements of this Chapter.

(1) International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

(2) International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R322, Appendix E and Appendix J.

§ 8-504. Development Which May Endanger Human Life.

[Ord. 572, 9/8/2014]

1. Within any identified floodplain area, any structure of the kind described in paragraph .A, below, shall be prohibited. No variance shall be granted.

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

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

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

      (3) Will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

         (a) Acetone.

         (b) Ammonia.

         (c) Benzene.

         (d) Calcium carbide.

         (e) Carbon disulfide.

         (f) Celluloid.

         (g) Chlorine.

         (h) Hydrochloric acid.

         (i) Hydrocyanic acid.

         (j) Magnesium.

         (k) Nitric acid and oxides of nitrogen.

         (l) Petroleum products (gasoline, fuel oil, etc.).

         (m) Phosphorus.

         (n) Potassium.

         (o) Sodium.

         (p) Sulphur and sulphur products.

         (q) Pesticides (including insecticides, fungicides, and rodenticides).

         (r) Radioactive substances, insofar as such substances are not otherwise regulated.

§ 8-505. Special Requirements for Subdivisions and Development.

[Ord. 572, 9/8/2014]

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

§ 8-506. Special Requirements for Manufactured Homes.

[Ord. 572, 9/8/2014]

1. Within any identified floodplain area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Part **8**, then the following provisions apply:
2. Within any floodway area/district, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Part **8**, then the following provisions apply:
3. Within any identified floodplain area manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
4. Where permitted within any identified floodplain area, all manufactured homes, and any improvements thereto, shall be:
    A. Placed on a permanent foundation.
    B. Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation.
    C. Anchored to resist flotation, collapse, or lateral movement.
    D. Have all ductwork and utilities including HVAC/heat pump elevated to the regulatory flood elevation.
5. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto shall apply and 34 Pa. Code, Chapter 401-405, shall apply.
6. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 Pa. Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) installation.

§ 8-507. Special Requirements for Recreational Vehicles.

[Ord. 572, 9/8/2014]

1. Within any identified floodplain area recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in Part **8**, then the following provisions apply:
    A. Recreational vehicles in Zones A, A1-30, AH and AE must either:
        (1) Be on the site for fewer than 180 consecutive days, and,
        (2) Be fully licensed and ready for highway use, or,
        (3) Meet the permit requirements for manufactured homes in § **8-506**.

PART 6. PROHIBITED ACTIVITIES

§ 8-601. General.

[Ord. 572, 9/8/2014]

1. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:
    A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1) Hospitals.

(2) Nursing homes.

(3) Jails or prisons.

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

PART 7. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

§ 8-701. Existing Structures.

[Ord. 572, 9/8/2014]

The provisions of this Chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of § **8-702** shall apply.

§ 8-702. Improvements.

[Ord. 572, 9/8/2014]

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

   A. No expansion or enlargement of an existing structure shall be allowed within any identified floodplain area that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in § **8-402**, Subsection **1C**.

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

   C. The above activity shall also address the requirements of 34 Pa. Code, as amended, and the 2009 IBC and the 2009 IRC.

   D. Within any floodway area/district (see § **8-402**, Subsection **1A)**, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

   E. Within any AE area/district without floodway (see § **8-402**, Subsection **1B)**, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

   F. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

   G. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Chapter.

PART 8. VARIANCES

§ 8-801. General.

[Ord. 572, 9/8/2014]

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

§ 8-802. Variance Procedures and Conditions.

[Ord. 572, 9/8/2014]

1. Requests for variances shall be considered by the Borough of Canton in accordance with the procedures contained in § **8-311** and the following:

   A. No variance shall be granted within any identified floodplain area that would cause any increase in BFE. In A Area/District, BFEs are determined using the methodology in § **8-402**, Subsection **1C**.

   B. No variance shall be granted for development which may endanger human life § **8-504**) and prohibited activities (Part **6**).

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

   D. In granting any variance, the Borough of Canton shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

   E. Whenever a variance is granted, the Borough of Canton shall notify the applicant in writing that:

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

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

   F. In reviewing any request for a variance, the Borough of Canton 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.

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

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

PART 9. DEFINITIONS

§ 8-901. General.

[Ord. 572, 9/8/2014]

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

§ 8-902. Specific Definitions.

[Ord. 572, 9/8/2014]

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.

BASE FLOOD

A flood which has a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood" or 1% annual chance flood).

BASE FLOOD DISCHARGE

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

BASE FLOOD ELEVATION (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT

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

BUILDING

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

DEVELOPMENT

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD

A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the flood boundary and floodway map, and the water surface elevation of the base flood.

FLOODPLAIN AREA

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

FLOODPROOFING

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

FLOODWAY

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

HIGHEST ADJACENT GRADE

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

HISTORIC STRUCTURES

Any structure that is:

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

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

3. Individually listed on a State inventory of historic places in states which have been approved by the Secretary of the Interior.

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

   A. By an approved State program as determined by the Secretary of the Interior.

   B. Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA

This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the special flood hazard area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See §§ **8-401** and **8-402** for the specifics on what areas the community has included in the identified floodplain area.

LOWEST FLOOR

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

MANUFACTURED HOME

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

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MINOR REPAIR

The replacement of existing work with equivalent materials for the purpose of 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, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after October 16, 2014, and includes any subsequent improvements to such structures. Any construction started after May 1, 1986, and before October 16, 2014, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

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

PERSON

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

POST-FIRM STRUCTURE

Is a structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated May 1, 1986, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE

Is a structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM) dated May 1, 1986, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE

A vehicle which is:

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

REGULATORY FLOOD ELEVATION

The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet.

REPETITIVE LOSS

Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SPECIAL FLOOD HAZARD AREA (SFHA)

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

START OF CONSTRUCTION

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

STRUCTURE

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

SUBDIVISION

The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE

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

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

UNIFORM CONSTRUCTION CODE (UCC)

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

VARIANCE

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

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

PART 10. ENACTMENT

§ 8-1001. Adoption.

[Ord. 572, 9/8/2014]

This Chapter shall be effective on October 16, 2014, and shall remain in force until modified, amended or rescinded by the Borough of Canton, Bradford County, Pennsylvania.

Chapter 9. Grading and Excavation

(Reserved)

Chapter 10. Health and Safety

PART 1. STORAGE OF JUNK, REFUSE, GARBAGE OR RUBBISH

§ 10-101. Name and Citation.

[Ord. 521, 12/13/2004]

This Part shall be known and may be cited as the "Borough of Canton Junk Ordinance."

§ 10-102. Findings and Purposes.

[Ord. 521, 12/13/2004]

The Borough Council of the Borough of Canton, Bradford County, Pennsylvania, finds and declares that the accumulation or storage of junk, refuse, garbage or rubbish within the Borough of Canton represents a unique danger to the health, welfare and safety of the residents of Canton Borough. In particular, the storage of junk, refuse, garbage or rubbish can and will, if not properly controlled, result in traffic hazards, dangers from fire and

explosion, threats to the safety of children and incompetents, provide breeding places for insects vermin, rodents and other animals, create substantial risks of pollution of surface and subsurface waters within the Borough, create unique problems for law enforcement and firefighting, and require that the Borough engage in additional expense for the supervision and regulation of any such places which accumulate or store junk, refuse, garbage or rubbish. The Borough Council further finds that the said dangers to the health, safety and welfare of the residents of the Borough of Canton require the regulation of the storage and accumulation of junk, refuse, garbage or rubbish within the Borough.

§ 10-103. Definitions.

[Ord. 521, 12/13/2004]

The following words shall, for the purposes of this Part, have the following meanings, unless the context clearly indicates otherwise:

ABANDONED or JUNKED VEHICLE

Any vehicle not in regular use whether operable or not, and in particular any unlicensed or unregistered or uninsured motor vehicle whether or not the same possesses any value. Vehicle shall include any trailer, boat, automobile, motorcycle, motorbike, mini bike, bicycle, go cart, truck recreational vehicle, bus, or any other type of vehicle whether motorized or self-propelled, or any part thereof. This shall not include any vehicle being kept or stored by a person who is in the regular business of repairing or selling vehicles, so long as the same are kept or stored by such person in a neat and orderly condition.

BOROUGH

The Borough of Canton, Bradford County, Pennsylvania.

BOROUGH COUNCIL

The Borough Council of the Borough of Canton, Bradford County, Pennsylvania.

JUNK

Any second hand or worn out or discarded material in general that may be turned to some use, including articles or items sold or to be sold for scrap or to be used or sold whole or for parts, and including but not limited to: old rope, chain, iron or other base metals, rags, waste, paper, empty bottles, copper, parts of machinery, used tires or rubber, scrap metal, abandoned or junked vehicles or equipment, containers and parts or portions of structures, appliances, household furnishings, rubbish, garbage and organic waste; and all articles discarded or no longer used as a manufactured article and all other similar items.

JUNK or SECONDHAND DEALER

Any person who is in the business of selling, buying, salvaging or dealing in junk or secondhand goods or products, other than garbage or other organic waste or rubbish.

PERSON

Any individual, partnership, association, corporation or entity of any kind specifically identifiable.

§ 10-104. General Prohibition.

[Ord. 521, 12/13/2004]

It shall be unlawful for any person to accumulate or store any junk, refuse, garbage or rubbish or abandoned or junked vehicle on private or public property within the Borough of Canton, Bradford County, Pennsylvania, unless the same are there temporarily stored or left to be hauled away in a reasonable and normal manner by the local refuse hauler for the Borough of Canton and are so hauled away within a reasonable time not to exceed 72 hours. In addition, if any of these items are accumulated or stored on property by tenants of the owner or landlord of the property and the tenants move from the property without removing said items, the owner or landlord of the property shall be responsible for the proper disposal of these items within a reasonable period of time not to exceed 72 hours. The prohibition of this Section shall not include a person who is a junk or secondhand dealer engaged in the business of selling, buying, salvaging or dealing in junk or secondhand goods or products and who property maintains or operates a site for the same within the Borough of Canton.

§ 10-105. Junk or Secondhand Dealer Site.

[Ord. 521, 12/13/2004]

Any person not subject to the foregoing provision because he is a junk or secondhand dealer who maintains or operates a site for such business within the Borough of Canton and who stores junk or secondhand goods or products out of doors on premises owned by him, leased by him or controlled by him within the Borough must comply with this Section to assure that the site does not present burdensome and expensive law enforcement difficulties or present a danger to children or incompetents. Each site must be maintained in such a manner as to keep the danger of fire and explosions, the danger of theft and any dangers the site might present to children or incompetents, to a minimum. Each junk or secondhand dealer must do whatever is reasonably possible to maintain the site or sites in such a manner. Also, each site is to be maintained in a neat and orderly manner. Each junk or secondhand dealer agrees to do whatever is reasonably possible to maintain each site in such a manner so as to keep to a minimum difficulties that fire or police personnel may have if they have to go to the site for fire or police purposes.

§ 10-106. Enforcement.

[Ord. 521, 12/13/2004]

Any person violating any provision of this Part shall remove the cause of said violation or come into compliance with this Part within 72 hours of receiving written notice of the violation. Extensions may be granted for cause shown by a majority vote of the members of the Borough Council present and constituting a quorum at any meeting thereof. In no event shall an extension be granted for the removal of garbage or other organic waste. If the cause of the violation is not removed or brought into compliance within the seventy-two-hour period, or any extension thereof, the Borough may cause the same to be done, and collect the cost thereof, together with a penalty of 10% of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the Borough may seek relief by bill in equity.

§ 10-107. Fines and Penalties.

[Ord. 521, 12/13/2004]

Any person violating any provisions of this Part shall upon conviction thereof be guilty of a summary offense and shall be sentenced to pay a fine of not less than $50 nor more than $300 and the costs of prosecution for each violation hereof, and in default of payment of such fine and costs, shall be sentenced to imprisonment in the County jail for a period not to exceed 30 days. Each day a violation continues to exist shall be considered a separate and distinct offense or violation of this Part.

PART 2. NOISE DISTURBANCES

§ 10-201. Disturbing and Unnecessary Noises Prohibited.

[Ord. 248, 1/6/1969; as amended by Ord. 470, 9/14/1998]

1. The following acts, among others, are declared to be loud, disturbing or unnecessary noise in violation of this Part, but said enumeration shall not be deemed to be exclusive:

    A. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle within the Borough except as a danger warning. The sounding of any such device for an unnecessary or unreasonable period of time. The use of any signaling device when traffic is for any reason held up.

    B. Radios, Phonographs, Televisions. The using, operating of radios, phonographs or televisions or permitting them to be played or producing sound in such manner as to disturb the peace, quiet or comfort of the neighboring inhabitants. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

    C. Loudspeaker, Amplifiers for Advertising. The using, operating or permitting to be played any loudspeaker, sound amplifier or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public except with official permit obtained from the Secretary of the Borough Council.

D. Yelling, Shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling or other type of residence or any persons in the vicinity.

E. Animals, Birds, Dogs, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

F. The discharge into the open air of the exhaust of an internal combustion engine or motor vehicle except through a standard muffler or other device which will effectively prevent loud or explosive noises therefrom.

G. The use of any automobile, motorcycle or vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

H. The creation of any excessive noise on any street adjacent to any school, institution of learning or church while the same are in use which unreasonably interferes with the working of such institution.

I. Drag racing, acceleration tests, any excessive burst of speed in a motor vehicle or the operating of any vehicle in such manner as to cause the tires thereof to squeal on any street within the Borough of Canton shall be considered an annoyance and a hazard to the safety of the public.

§ 10-202. Vehicle Registration Plates.

[Ord. 248, 1/6/1969]

It shall be presumed that the ownership and operation of any vehicle violating the provisions of this Part shall be deemed to be that as indicated by the registration plates of such vehicle.

§ 10-203. Penalties.

[Ord. 248, 1/6/1969; as amended by Ord. 8/10/1970; by Ord. 421, 6/12/1989; and by Ord. 470, 9/14/1998]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than $600 plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues after notice shall constitute a separate offense.

PART 3. (RESERVED)

PART 4. PUBLIC NUISANCES

§ 10-401. Definitions.

[Ord. 96, 8/2/1911]

For the purposes of this Part a public or common nuisance shall be considered as that which is set up, maintained or continued so as to be injurious to the health or an obstruction to the use of property by interfering with the repose, health, safety or life of any considerable number of persons.

§ 10-402. Decaying Matter.

[Ord. 96, 8/2/1911; as amended by Ord. 470, 9/14/1998]

No garbage, pumice, offal, dead animals, decaying matter or organic waste substance of any kind shall be thrown or deposited in any ravine, ditch or gutter or on any street or highway, into any waters of the State or be permitted to remain exposed upon the surface of the ground, nor stored in garbage bags outside the residence.

§ 10-403. Stables.

[Ord. 96, 8/2/1922; as amended by Ord. 372, 11/1/1982; and by Ord. 470, 9/14/1998]

1. Every person, firm or corporation using at the time of the enactment of this Part any building or portion of a building within the Borough of Canton as a stable for one or more horses, mules, cows, goats or swine shall report the same in writing to the Secretary of the Board of Health within 20 days after the date when this Part becomes effective. The said report shall include a statement of the name of the owner or lessee of such property, the location of the same and kind of animals stabled therein.

2. Every person, firm or corporation who shall use any building or portion of a building as aforesaid after the enactment of this Part shall in like manner report said use within five days of said occupancy.

3. Manure shall not be allowed to accumulate in or near stables or any other place for a period of more than three days unless it is adequately protected against the breeding of flies.

4. Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water. Manure shall also not be allowed to accumulate in such a way and to such an extent that it becomes offensive to the persons who own or are using the adjoining land or the public generally.

§ 10-404. Objectionable Establishments and Industrial Wastes.

[Ord. 96, 8/2/1922]

No person, partnership, firm or corporation maintaining a bone boiling or similar occupation shall allow any noxious exhalation, odors or gases that are deleterious or detrimental to public health to escape into the air or any substance that is deleterious or detrimental to public health to accumulate upon the premises or be thrown or allowed to discharge into any street, roadway or public place or to be thrown or allowed to discharge into any stream or other waters of the State.

§ 10-405. Enforcement; Penalties.

[Ord. 96, 8/2/1922; as amended by Ord. 372, 11/1/1982; and by Ord. 470, 9/14/1998]

1. It shall be the duty of the Borough Police Department to enforce the terms of this Part and secure compliance with the requirements thereof.

2. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than $1,000 plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

PART 5. REIMBURSEMENT FOR EXPENSES

§ 10-501. Definitions.

[Ord. 450, 10/10/1994; as amended by Ord. 470, 9/14/1998]

EXTRAORDINARY EXPENSE

Those expenses, and those related costs and fees that are incurred by the Borough, local, State or Federal department or agency, emergency services organization or from the private sector for actual costs or charges for labor, materials and any other costs associated with:

1. The enforcement of any ordinances or laws.

2. The installation, removal, repair and maintenance of curbs, drainage ditches, gutters, driveway culverts, roads, streets, alleys or sidewalks, including the removal of ice and/or snow from sidewalks.

3. Controlled burning or razing condemned or unwanted structures.

4. The use of specialized extinguishing or abatement agent, chemical, neutralizer or similar equipment or material that is employed to monitor, extinguish, confine, neutralize, contain, clean or remove any hazardous material that is or may be involved in a fire, or released into the air, ground or water or the

potential threat of any release or fire, and any and all activities associated with the implementation of a protective action (i.e., evacuation) to protect the public health.

EXTRAORDINARY SERVICE

A service performed by any Borough department or employee, or any public or private sector organization, agency, contractor or company directly associated with mitigating the problem, hazard or potential hazard or involved in providing services to implement a protective or constructive action as reviewed under the definition "extraordinary expense" above. "Extraordinary services" may include, but are not limited to, the abatement and disposition of fire damaged structures, condemned buildings, hazardous materials, spills, releases, or the threat of spills or releases of hazardous materials, utility line breaks or leakage, and other imminent or perceived or potential threats to the health, safety and welfare of the public that may be detailed or contemplated in the definition of "extraordinary expense."

§ 10-502. Administration.

[Ord. 450, 10/10/1994; as amended by Ord. 470, 9/14/1998]

1. The Borough Council of the Borough shall collect all fees as follows:

   A. Fees and costs (including overhead costs) shall encompass all personnel, equipment, materials and maintenance expenses in such a form as to insure for full reimbursement for charges from both the public and private sectors actually rendered. A particular cost or fee schedule need not be set forth in this action or elsewhere in the Borough Ordinance or by further formal action by the Borough Council. The Borough Council approval of this Section shall constitute authorization for the Borough Council to collect all such fees and costs (including overhead costs) pursuant to the receipt of related expenditures or costs that are submitted to the Borough by affected public and private bureaus, agencies, departments or companies.

   B. Within 60 days of the date of the extraordinary or dangerous occurrence giving rise to the extraordinary service, the affected public agencies, departments or private companies shall submit its extraordinary service related costs, fees, charges and expenses to the Borough Council for review. At such time as all costs, fees, charges and expenses related to the extraordinary service have been collected and reviewed, but in any case not later than 60 days from the date of determining the combined cost of rendering extraordinary services, the Borough Council shall submit a bill for all costs, fees, charges and expenses, to the owner, agent or manager of the vehicle or fixed facility which caused the need for extraordinary services, with a demand that a fill remittance be made within 30 days of receipt.

   C. In cases of hardship, or where circumstances are such that a full remittance cannot be made to the Borough within the sixty-day period, the Borough Council shall hereby authorize the Borough Solicitor to enter into negotiations with the owner or his agent for an extended payback period of time not to exceed six months.

   D. All monies received under the provisions of this Part shall be placed into the General Fund and reimbursement be made to all public and private sector departments or agencies who had submitted related costs, fees, charges and expenses for providing an extraordinary service as outlined herein.

§ 10-503. Litigation.

[Ord. 450, 10/10/1994]

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

§ 10-504. Emergency Services.

[Ord. 450, 10/10/1994]

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

normally made.

PART 6. PUBLIC SECURITY CAMERA SYSTEMS

§ 10-601. Purpose.

[Ord. 594, 10/15/2019]

1. The purpose of this Part is to ensure that all public security camera systems:
   A. Further a legitimate, clearly articulated public safety purpose;
   B. Can effectively achieve their articulated purpose;
   C. Can achieve their articulated purpose more efficiently than could alternative means;
   D. Minimally impact constitutional rights;
   E. Employ an open and publicly accountable process; and
   F. Employ technological and administrative safeguards to reduce the potential for misuse and abuse of the system.

§ 10-602. Definitions.

[Ord. 594, 10/15/2019]

As used in this Part and/or the regulations promulgated by Borough Council, certain words and phrases are defined as follows:

APPENDING DATA
Using technology to attach personally identifiable information, such as name, address, or criminal history, to footage or other records of the public security camera system such that those subsequently accessing the footage or records can also access the attached personal information.

AUDIO RECORDING
A permanent or retrievable record of oral conversations and audible sounds. The Borough of Canton public security cameras shall perform no audio recording. Audio recording is governed by state and federal law and is separate and apart from the recording performed by the security cameras in the public right-of-way. Any recordings that capture audio shall be treated under the provisions of the Pennsylvania Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P.L. 831, No. 164, 18 Pa.C.S.A. § 5701 et seq., as amended, and/or the federal Electronic Communications Privacy Act of 1986, Pub. L. No. 99-508, 100 Stat. 1848 (1986), 18 U.S.C. § 2510 et seq., as amended.

AUTOMATIC IDENTIFICATION
Use of a public security camera system in conjunction with biometric or other digital technologies to ascertain or confirm the identity of an individual whose image is captured on public security camera footage, whether in real time, as applied to recorded footage, or prospectively.

AUTOMATIC TRACKING
The use of a public security camera system to follow a specific individual or his or her vehicle with technology operating independently of immediate or direct human control, regardless of whether his or her identity is known, so as to create a seamless record of his or her activity during a specific period.

BOROUGH PUBLIC SECURITY CAMERA
A public security camera, owned or controlled by the Borough of Canton, focused on a public place, paid for in whole or in part with Borough or other government monies, not hand-held by system operators, implemented for a period of time up to 180 days and then to continue indefinitely, and the primary purpose of which extends beyond a single, specific law enforcement investigation.

GOVERNMENT MONIES
Funds secured from the Borough Council or any other federal, state, county or Borough funding source.

HARM
Physical, financial or emotional injury and is not limited to legal wrongs or violations of legal duties.

INSTALLATION
An arrangement of cameras allowing them to operate without direct manual control.

MISUSE
Use, operation of or interaction with a PSC system in a manner inconsistent with the use restrictions described in this Part or otherwise not conforming to the approved purposes of the PSC system.

OBSERVATION or MONITORING
Real-time viewing of live camera images.

OPERATOR or BOROUGH OPERATOR
A Borough employee or designee authorized and trained to use the system, working for or under the supervision or control of the Canton Borough Council.

PAN, TILT AND ZOOM
Manipulating a camera to view areas outside the original image frame or measurably increase the resolution of the images rendered.

PUBLIC SECURITY CAMERA FOOTAGE or FOOTAGE
Any images recorded by a public security camera system or by a public security camera paid for with government monies, including time and location data and any additional metadata or information appended to the images on the footage.

PUBLIC SECURITY CAMERA SYSTEM or PSC SYSTEM or SYSTEM
Two or more government-owned and -operated cameras focused on a public place and remotely operated.

RECORDED
Images that are preserved and stored by a public security camera system for later review. This includes preservation for any length of time beyond a short window necessary to perform an initial review of the footage.

REVIEWER
Person to be appointed by Council on a yearly basis and the Police Chief (not to include someone temporarily acting as Police Chief) and the Borough Administrator to such an extent as to use the pan/tilt/focus on any and all monitors/cameras.

SECONDARY PURPOSE
An intentional, planned and authorized use of a system, a component of it, or the collected data, for a purpose other than an original approved purpose for the system.

THIRD PARTIES
Individuals or entities (other than the individual requesting access to records relating to himself or herself) that are not under the supervision or control of the Canton Borough Council.

§ 10-603. Borough to Abide by Principles for Use.

[Ord. 594, 10/15/2019]

1. The Borough of Canton intends to abide by the following principles in its use of public security cameras and recordings:

   A. When images are recorded, stored, reviewed or otherwise processed, the purpose for such activity shall be stated and recorded;

   B. Borough-owned public security cameras shall be open and the camera-monitored areas shall have signs advising the public of the presence of the cameras;

   C. Images collected by operation of Borough public security cameras shall be retained no longer than necessary. Any long-term retention shall be in accordance with this Part;

   D. Access to data from Borough public security cameras shall be available upon written request;

   E. Images acquired by the Borough from public security cameras shall not be used for any purpose other than the described purpose set forth in the application for access;

   F. Borough public security cameras shall be directed at the public right-of-way or public property so that no recording is performed except of events and persons in the public right-of-way or in public view, or on public property. Public security cameras in residential areas shall not provide visual access not available to the general public;

G. Borough public security camera operators shall be trained and supervised in the responsible, lawful and ethical use of the cameras, the recording equipment and the recorded images. Access to footage shall be limited, and the limited number of personnel with access to footage shall likewise be trained and supervised in the responsible, lawful and ethical use of footage;

H. There shall be specific sanctions for misuse or abuse of the system or of the footage including suspension without pay or termination;

I. Borough-owned public security camera footage shall not typically be monitored except when an event triggers the need for short-term monitoring.

J. There shall be no audio recording.

§ 10-604. Deployment of Security Cameras.

[Ord. 594, 10/15/2019]

1. Borough public security cameras may be deployed only in those public property areas experiencing a distinct pattern of crimes being committed on public space where utilization of camera surveillance could detect and/or eliminate such crimes. From and after the effective date of this Part, a public security camera location shall be approved preliminarily for installation and use by a person to be appointed by Council on a yearly basis and the Police Chief (not to include someone temporarily acting as Police Chief) and the Borough Administrator.

   A. The proposed location is a public space experiencing a distinct pattern of crime;

   B. The potential to deter and/or eliminate such criminal activity outweighs any concerns asserted by the affected community;

   C. There exists significant support from the affected community for the camera(s).

2. Borough public security cameras, and any and all footage, may be used only by those persons authorized herein and may be used solely in the specific instances set forth in this Part, and use of public security cameras by such persons in any other manner or location, or for any other purpose, is expressly prohibited. The Borough Secretary shall maintain a log of all public security camera locations, and the dates of their approval by the Borough Council. Such log shall be available to the public. The Borough Secretary shall maintain a log of all security cameras monitoring activity on Borough property.

§ 10-605. Public Emergency.

[Ord. 594, 10/15/2019]

Borough public security cameras, and any and all footage, may be used for the purpose of providing surveillance during any public emergency, including, but not limited to, weather emergencies, fire emergencies, flood, pollution incidents or threat conditions connected with the safety of any person.

§ 10-606. Law Enforcement and Crime Prevention.

[Ord. 594, 10/15/2019]

Borough public security cameras, and any and all footage, may be used for the purpose of providing surveillance in the service of law enforcement and crime investigation and prevention within the Borough of Canton where there is suspected criminal activity or situations causing concerns for public safety or where there is a potential for criminal activity.

§ 10-607. Direction of Camera at Public Right-of-Way and/or Public Property.

[Ord. 594, 10/15/2019]

All public security camera systems and public security cameras shall be directed at the public right-of-way or public

property so that no recording is performed except of events and persons in the public right-of-way or in public view. Public security cameras in residential areas shall not provide visual access not available to the general public.

§ 10-608. Retention of Footage and Data.

[Ord. 594, 10/15/2019]

All footage and accompanying data from Borough public security cameras must be automatically deleted or recorded over after expiration of 180 days, except where retained for a specific criminal investigation or in connection with an incident that may subject the Borough to liability or to protect the Borough from any claims.

§ 10-609. Disclosure of and Third-Party Access to Footage.

[Ord. 594, 10/15/2019]

Except as otherwise provided in §§ **10-611**, **10-612** and **10-613** of this Part, or as otherwise required by federal or state laws, the operator shall not disclose footage or other data gathered or compiled by or stored in a Borough public security system or a Borough public security camera to third parties or provide to or allow third parties to access such footage data. Access to a Borough public security camera system and its facilities and stored data, including but not limited to control rooms, databases, and cameras, by the Borough operator and its employees or agents shall be limited to enumerated lists of authorized Borough operators to be appointed by Council on a yearly basis and the Police Chief (not to include someone temporarily acting as Police Chief) and the Borough Administrator who have completed the requisite training program described in this Part.

§ 10-610. When Access Allowed; Log of Access.

[Ord. 594, 10/15/2019]

A Borough operator may access and use Borough recorded footage for purposes consistent with the purpose of the system as articulated in this Part. No additional approval is required for such use, once the footage has been properly retained pursuant to the retention requirements of this Part. All access to footage shall be logged indicating the person who had access, when access took place, what was viewed and the purpose for the access.

§ 10-611. Pertinence to Criminal Defendants.

[Ord. 594, 10/15/2019]

1. As this Part pertains to criminal defendants:

    A. In accordance with the Pennsylvania and the Federal Rules of Criminal Procedure, defendants in criminal cases may obtain public security camera footage related to the charges pending against them that is within the Borough's possession, custody, or control.

    B. If public security camera footage is intended to be used in the prosecution's case in chief in a criminal trial, the criminal defendant shall be provided with all the information as required by applicable state and federal laws.

    C. Footage disclosed to criminal defendants under this Section shall not be disclosed to the public, except to the extent necessary to defend against the criminal charges in the action under which the footage is disclosed.

§ 10-612. Use of Footage in Civil Suits Between Private Litigants.

[Ord. 594, 10/15/2019]

1. As this Part relates to footage being used in civil suits between private litigants:

    A. Data collected by Borough public security camera systems is for law enforcement purposes and shall not be available to the parties or discoverable in civil trials between private litigants except pursuant to an order

of a court of competent jurisdiction and upon prior request made within 30 days of the event upon which the claim is based.

B. Data collected by Borough public security camera systems shall be made available to the parties in actions based on alleged police misconduct, but only upon prior request made within 30 days of the event upon which the claim is based.

C. Any data collected by Borough public security camera systems which contains footage relevant to a claim for damages which may be made to the Borough under the Political Subdivision Tort Claims Act shall be made available to the Borough and to the claimant if request therefor is made in writing to the Borough Right to Know Officer within 30 days of the event upon which the claim is based.

§ 10-613. Use of Footage by Other Government Entities.

[Ord. 594, 10/15/2019]

1. As this Part relates to other government entities:

   A. Except as provided in § **10-611**, a governmental entity may not access or use Borough recorded footage.

   B. A governmental authority may apply for an order authorizing access to Borough recorded footage; provided, that such application is made within 30 days of the footage being compiled. Such applications shall be in writing upon oath or affirmation to the Borough Right to Know Officer and shall require a full and complete statement of the facts and circumstances surrounding the incident that has led to a request for access to Borough recorded footage; a listing of specific cameras and specific times; specific guidelines to determine whether or not to grant permission to access Borough recorded footage. These guidelines should include, but are not limited to, severity of the crime; providing probable cause that an individual is committing, has committed, or is about to commit a crime and that access to Borough recorded footage would provide evidence or information about the crime.

§ 10-614. Recordkeeping.

[Ord. 594, 10/15/2019]

1. Detailed records shall be kept by Canton Borough in a secure location under the control of the Borough Secretary pending review and during litigation and/or permanently stored if legally necessary in a safe deposit box in the name of Canton Borough regarding the operation of and access to the Borough public security camera system, including:

   A. An ongoing log of all those who maintain, operate, observe, inspect, or access the public security camera system and/or any data or footage collected by that system, including the purposes of each activity, the names of the individuals engaging in that activity, and the times and dates when such access occurs;

   B. An ongoing log of all recorded footage, including how long the footage has been retained, why the recorded footage was retained, and copies of any orders for extended retention, if they exist; and

   C. An ongoing log of all disclosures of recorded footage, including a description of what is contained in the footage, the names of any parties to which the footage was disclosed, when the footage was disclosed, the reasons for disclosure, and copies of any orders for disclosure, if they exist.

§ 10-615. Selection and Training of Operators.

[Ord. 594, 10/15/2019]

The Canton Borough Council shall provide training for all operators of the Borough-owned public security camera systems.

§ 10-616. Certification to be Signed by Operators.

[Ord. 594, 10/15/2019]

All operators of Borough public security cameras shall sign a certification that they have read and understand this Part.

§ 10-617. Access Limited to Enumerated Lists of Authorized Operators.

[Ord. 594, 10/15/2019]

Access to a Borough public security camera system and its facilities and stored data, including but not limited to control rooms, databases, and cameras, by the operator and its employees or agents shall be limited to enumerated lists of authorized operators who have completed the requisite training program described in §§ **10-615** and **10-616** of this Part, except where data must be provided to third parties as enumerated in §§ **10-611**, **10-612** and **10-613** of this Part.

§ 10-618. Public Notification of Borough Surveillance Cameras.

[Ord. 594, 10/15/2019]

1. Notices in locations subject to the Borough public security cameras shall be posted stating, in clear language, that such location is subject to observation and, if applicable, recording, by a public security camera system.

2. Notices posted pursuant to Subsection **1** of this Section shall be posted at the major public street entrances to the Borough and the entrances to any public property or building that houses a camera.

§ 10-619. Periodic Reviews of Existing Systems.

[Ord. 594, 10/15/2019]

Reviews must be conducted in case of misuse or harm, alterations or change in purpose.

Chapter 11. Housing

PART 1. NON-OWNER OCCUPIED RESIDENTIAL PROPERTIES

§ 11-101. General Purpose.

[Ord. 608, 9/12/2022]

1. Purpose, Scope and Declaration of Policy. It is the purpose of this Part to establish policies and regulations which will facilitate the protection and promotion of the health, safety and welfare of the residents of the Borough of Canton; to ensure the safe and responsible maintenance and inspection of those properties which are non-owner occupied residential properties within the boundaries of the Borough of Canton; to ensure the safety and well-being of the occupants of those properties, and the safety and property values of the Borough of Canton.

§ 11-102. Definitions.

[Ord. 608, 9/12/2022]

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

APPLICANT
: Any person making application to the Borough for approval of a desired activity covered under the adopted ordinance.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BOROUGH

The Borough of Canton, Bradford County, Pennsylvania.

BOROUGH COUNCIL

The duly elected or appointed persons comprising the Borough Council of the Borough of Canton, Bradford County, Pennsylvania.

CODE ENFORCEMENT OFFICER

The individual, person or entity appointed, contracted or designated by the Borough Council for the purpose of enforcing compliance with the ordinances and Codes of the Borough of Canton.

CODE(S)

The officially adopted regulations/ordinances comprising the Code of the Borough, including all adopted Zoning and Property Maintenance regulations of the Borough of Canton, Bradford County, Pennsylvania.

COMMON AREA

Any area, open or enclosed, whether interior or exterior, shared by occupants or that the occupants have the right to share including, but not limited to, kitchens, bathrooms, living rooms, dining areas, garages, laundry areas, hallways, stairwells, attics, basements and any room used for parties, social events or the congregation of people, or any open area on the property owned by the landlord that the occupants have the right to use, including but not limited to porches, decks, patios, yards, parking lots, driveways and walkways.

COUNTY

A recognized governmental entity having powers designated to it by the Commonwealth of Pennsylvania to operate as a County. As applied to the ordinances of Canton Borough, typically Bradford County.

DWELLING UNIT

One or more rooms occupied by the occupant and comprising one family, and including permanent provisions for living, sleeping, sanitation and eating, whether including or not including cooking.

FEDERAL

The government of the United States of America.

GARBAGE

Any refuse, animal and vegetable matter, offal from meat, fish or fowl, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

GOVERNING BODY

The Borough Council of Canton.

GUEST

A person on the premises with or without the actual or implied consent of an occupant.

INDIVIDUAL RESIDENTIAL UNIT/ONE-FAMILY DWELLING

Hereinafter referred to as residential unit, any building or portion thereof designed or used exclusively by one or more related persons, but not more than one family, as a residence or sleeping place, or a single unit providing complete, independent living facilities for one or more related persons, and/or including permanent provisions for living, sleeping, sanitation and eating, whether including or not including cooking. For the purposes of the non-owner occupied residential property ordinance, this term shall not be deemed to include a property if it is licensed, regulated and inspected in accordance with Federal and/or State regulations as a hotel or motel, hospital, nursing home, assisted living facility or group home, but shall include dormitory, fraternity or sorority houses. Hereafter referred to as a residential unit or rental unit.

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 exit requirements; nor shall "minor repairs" include the addition to, alteration of or 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.

MULTIPLE RESIDENTIAL UNIT DWELLING/MULTI-FAMILY HOUSING FACILITY

A building or portion thereof containing two or more individual residential units including but not limited to garden apartments, townhouses, elevator apartments, condominiums and conversion apartments. For the purposes of the non-owner occupied rental inspection ordinance, this term shall not be deemed to include a property if it is licensed, regulated and inspected in accordance with Federal and/or State regulations as a hotel

or motel, hospital, nursing home, assisted living facility or group home, but does include a dormitory, fraternity or sorority house.

MUNICIPALITY

The Borough of Canton.

NON-OWNER OCCUPIED RESIDENTIAL UNIT

A dwelling unit within or upon a premises, occupied by one or more related or unrelated persons for the purpose of maintaining living quarters in accordance with a rental or occupancy agreement or lease. Hereafter referred to as a rental unit.

OCCUPANCY LIMIT

The legal number of related individuals permitted to occupy a single non-owner occupied residential property as a dwelling.

OCCUPANCY PERMIT

The document issued in accordance with Borough ordinance to the owner of a non-owner occupied residential property, which by its issuance authorizes the property to be occupied by tenants.

OCCUPANT/TENANT

Any person, including domestic service employees, living and/or sleeping in a dwelling unit. For the purpose of the non-owner occupied residential rental inspection ordinance an occupant/tenant shall be defined as an individual(s) occupying a residential unit in which the individual has no legal ownership or title. Hereafter referred to as occupant.

OWNER

A person or other legal entity in whom is vested all or part of the legal title to an owner or non-owner occupied residential property, including a mortgage holder in possession of an owner occupied or non-owner occupied residential property, or any person recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, including the heirs or guardian of an estate of any such person; or the executor or administrator of the trust or estate of such person if ordered to take possession of real property by a court, or by power of attorney; or the owner of real property determined to be in violation of an ordinance of the Borough. Whenever used in any clause prescribing or imposing a penalty, the term "owner" as applied to partnerships or associations shall mean the partners or members thereof, and as applied to corporations or trusts the officers thereof.

PERSON

Any individual or group of individuals, a natural person, partnership, corporation, unincorporated or incorporated association, limited partnership, firm or corporation, trust or any other entity, either as principal or agent.

POLICE

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

PREMISES

Any parcel of real property in the Borough of Canton, including the land and all buildings and auxiliary structures or elements, on or in which one or more owner or non-owner occupied residential units is located.

REFUSE

All matter and materials discarded or rejected by their owners thereof as offensive or useless or which, by their presence and accumulation, may injuriously affect the health, comfort and safety of the residents of the Borough and shall include but not be limited to ashes, garbage, rubbish, litter and other discarded materials, but shall exclude human body waste.

RELATED

Of or pertaining to persons related to one another through blood to the level of first cousins, adoption or marriage.

RENTAL AGREEMENT/LEASE/OCCUPANCY OR RESIDENCY AGREEMENT

A verbal or written agreement between the owner of a non-owner occupied residential rental unit and the occupant(s), embodying the terms and conditions concerning the use and occupancy of a specified non-owner occupied residential property or premises. Hereafter referred to as rental agreement.

RUBBISH

Any sylvan materials, plastic materials, leather, rags, grass, straw or manure and all solid combustible matter not included in this section under the term "garbage."

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well

as a manufactured home.

SYLVAN MATERIALS

Any substances composed of wood, including but not limited to leaves, brush, trees, paper, newspapers, magazines and similar natural items.

UNRELATED

Of or pertaining to persons not related to one another through blood to the level of first cousins, adoption or marriage.

§ 11-103. Property and Tenant Registration and Rental Occupancy Permits.

[Ord. 608, 9/12/2022]

1. Property Registration. Within 60 days of the adoption of the ordinance codified in this Part, the Borough shall provide to each known owner of a rental unit, a blank property registration form, upon adoption of a resolution by Borough Council adopting such a form, to be completed and returned to the Borough within 30 days.

   The owner of a multiple unit dwelling may complete one property registration form with an attachment listing multiple contiguous buildings within a complex; provided, that the list clearly identifies each building by legal address and provides the listing of each rental unit within each building individually by unit number and address.

   Following the initial property registration, the owner shall be required to inform the Borough of any substantial change to the property registration information within 10 calendar days of the date on which the change occurs. Examples of such changes would include, but are not limited to, change in owner contact information, change in ownership, change in building use, discontinuation of rental use, etc.

   The owner shall be required to verify the information contained within a property registration form prior to the renewal date of a rental occupancy permit, as part of the notification of required inspection.

   A property registration fee, payable to the Borough, may be assessed by the Borough upon adoption of a resolution by Borough Council adopting such a fee, which resolution shall have the same effect as if set forth herein in full.

   Unoccupied/vacant rental units are required to be registered with the Borough.

2. Requirements for Rental Occupancy Permit. No rental unit shall be permitted to be initially occupied until a rental occupancy permit has been issued by the Codes Compliance Officer. The rental occupancy permit will only be issued after completion of an inspection by the Codes Compliance Officer, and determination that the property is in compliance with the Code(s) of the Borough of Canton.

   A separate rental occupancy permit shall be required for each individual rental unit comprising a multiple unit dwelling.

   A copy of the current rental occupancy permit shall be kept in the landlord's records and be available upon request from law enforcement, code enforcement or tenant.

3. Occupancy Permits. For a newly registered rental unit(s), the rental occupancy permit will either be issued or denied for specified reasons within 15 days of the receipt of a completed application and the completion of a satisfactory inspection of the rental unit(s).

   The denial of an initial application for a rental occupancy permit will be for failure to provide the required information and/or documentation; failure to comply with applicable Federal, State or County regulations; or failure to comply with applicable Borough of Canton ordinances or Codes.

   Rental unit(s) are required to have a current rental occupancy permit whether occupied, unoccupied or vacant.

4. Rental Occupancy Permit Term. A rental occupancy permit shall have a term of three years beginning from the issue date of the initial rental occupancy permit, and renewable only upon completion of required inspection and verification of compliance with the regulations of this Part.

5. Rental Occupancy Without Permit. The owner shall be in violation of this Part if they allow the rental unit to be occupied prior to the issuance of the initial rental occupancy permit for a new rental unit; or to be occupied during any period after which the rental occupancy permit remains unearned, expired, suspended or revoked.

6. Rental Occupancy Permit Fee. Upon application for a rental occupancy permit and prior to issuance or renewal

thereof, each applicant shall pay to the Borough a rental occupancy permit fee, in an amount to be established, from time to time, by a resolution adopted by the Borough Council; which resolution shall have the same effect as if set forth herein in full. Such resolution may provide for more than one fee scale for different categories of premises, as set forth specifically in the resolution. The rental occupancy permit fee is intended to be used to pay for the costs associated with the administration and enforcement of these regulations, for the completion of investigations and periodic inspections by the Code Officer, and for other reasonably necessary activities directly related thereto, as part of the annual code enforcement budget of the Borough.

7. Maximum Occupancy. In accordance with applicable health and safety regulations, the rental occupancy permit shall indicate the maximum number of occupants permitted to occupy each rental unit as a living space.

8. Rental Occupancy Permit - Unpaid Fees, Costs, Taxes or Fines. No rental occupancy permit shall be issued if the owner has any unpaid fees, costs, taxes or fines, past due and payable to the Borough.

9. Rental Occupancy Permit Revocation. A rental occupancy permit may be revoked due to noncompliance with regulations set forth in this Part. See § **11-107** of this Part.

10. Tenant Registration. The owner shall be required to furnish to the Borough a list of the current tenants occupying their rental units. Such registration shall be made each year at a minimum of one time between the period of January 1 and June 30, and one time between the period of July 1 and December 31, and additionally within 10 days of a change in tenant information.

§ 11-104. Inspections of Rental Units.

[Ord. 608, 9/12/2022]

1. Frequency of Inspections. All rental units, including those unoccupied or vacant, and any applicable adjacent common areas as defined by the Borough ordinance, shall be initially inspected by the Codes Compliance Officer prior to the issuance of an initial rental occupancy permit, and inspected by the Codes Compliance Officer a minimum of tri-annually (once every three years) thereafter. The owner shall permit inspections of any regulated premises by the Codes Compliance Officer at a mutually agreed upon time which will not be unreasonably denied. All such inspections shall be performed under and as provided for within this Part and any applicable Borough Code.

   Additional inspections may be performed at the request of the owner or an occupant currently residing within the rental unit, or upon receipt by the Codes Compliance Officer of a valid complaint from a reliable person, agency, etc., and as otherwise permitted by law. Additional inspections may be subject to a fee in accordance with a fee schedule adopted by resolution of the Borough Council. Additional inspections do not remove or alter the date of inspection required for renewal of the rental occupancy permit.

   The owner can request the mandatory inspection be done up to three months prior to the required date; however, the rental occupancy permit renewal date will still qualify as the benchmark for the next required inspection.

2. Failure to Comply with Inspections. Should an owner fail to comply with the inspection requirements set forth in this Part, the Codes Compliance Officer may apply to the Magisterial District Judge having jurisdiction in the Borough for a search warrant to enter and inspect the premises. Any and all costs relating to the application, issuance and enforcement of a search warrant will be assessed against the owner, and will be due and payable to the Borough.

   Failure to pay the assessed costs will result in further collection proceedings and actions as allowed by current law, and any additional court costs and/or legal fees incurred by the Borough will also be assessed against the owner.

3. Inspection Deficiencies or Code Violations. All deficiencies or code violations documented by the Codes Compliance Officer during an inspection must be corrected within 30 days of the inspection report; provided, that such deficiencies or code violations do not cause the rental unit to be unfit for habitation or pose a serious threat to the safety of the occupants, adjacent property or the public. In the event that the Codes Compliance Officer, in their sole discretion, determines that the resolution of the violation is of such a nature or scope that it cannot be reasonably completed within the stated time requirements as set forth above, the Codes Compliance Officer may issue a written extension to a maximum of 60 days; provided, that such extension does not endanger the health and welfare of the occupants, adjacent property or the public.

4. Inspection Guide. Within 60 days of the adoption of the ordinance codified in this Part, the Borough shall

provide to each known owner of a rental unit, a Borough of Canton rental inspection guide, upon adoption of a resolution by Borough Council adopting such a guide, for reference for inspections to be completed under this Part.

§ 11-105. Duties of Owners Pertaining to Compliance With This Part and Maintenance of Rental Units.

[Ord. 608, 9/12/2022]

1. Regulatory Compliance. It shall be the duty of every owner to comply with the regulations of this Part, and any and all applicable codes or ordinances of the Borough and all applicable Federal, State and County laws and regulations.

2. Permitted Use. Except as allowable by applicable law or code(s), the owner shall prohibit the use of or by an occupant of a rental unit for any purpose other than as a residence.

3. Owner/Occupant Disputes. Except as warranted by law enforcement activities of the Canton Borough Police Department in accordance with existing law, the Borough of Canton will not engage in the mediation of owner/occupant disputes with regard to property rights, etc. All such matters are the civil responsibility of the individuals involved.

   The Codes Compliance Officer will respond appropriately with regard to any owner or occupant complaints regarding safety or maintenance issues within or upon the rental unit or adjacent common areas, and will take the appropriate action against the owner with regard to compliance with all applicable regulations or Borough Code.

   Regardless of the terms of any verbal or written agreement between the owner and the occupant, the Borough shall regard the owner of any rental unit to be the sole entity responsible and liable for compliance with the regulations of this Part. The owner shall be responsible to provide, secure or contract the performance of all routine maintenance or repairs necessary to ensure full compliance. In no case shall the existence of any agreement between the owner and the occupant relieve the owner of any responsibility or penalty under this Part or other ordinances or codes regarding property maintenance.

§ 11-106. Ordinance Violations (Other Than Code Violations).

[Ord. 608, 9/12/2022]

1. The owner of a rental unit found to be in violation of this Part shall be notified of the violation within 10 days of the occurrence and shall have 10 days after receipt of written notice from the Codes Compliance Officer to resolve the violation(s). Failure to resolve the violation(s) will result in the issuance of a citation in accordance with § **11-107** of this Part.

2. In the event that three violations of this Part, whether caused by either the owner or occupant, involving the same rental unit, occur within a one-year period beginning on the date of issuance of a rental occupancy permit, or within each one-year period thereafter, the Codes Compliance Officer may suspend the rental occupancy permit, resulting in the mandatory vacating of the rental unit.

§ 11-107. Penalties.

[Ord. 608, 9/12/2022]

1. Any person, partnership, firm or corporation failing to apply for a rental permit shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

2. Any person, partnership, firm or corporation failing to meet the minimum standards for permit issuance after the Codes Compliance Officer has inspected a property two times shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

3. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines

that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

§ 11-108. Hearings Before Borough Council on Revocation of a Rental Occupancy Permit.

[Ord. 608, 9/12/2022]

Any landlord aggrieved by the revocation of a rental occupancy permit shall have the right to request and have a hearing before the Canton Borough Council. If any person so aggrieved desires a hearing, they shall, within five days after receiving notice of the revocation, advise the Borough Secretary, in writing, of the request for a hearing. The hearing before the Borough Council shall be held within 30 days from the date on which the Borough Council received the hearing request. Upon completion of the hearing, the Borough Council shall, within 10 days, issue a written decision based upon written findings of fact affirming or overturning the revocation of the rental occupancy permit.

Chapter 12. Libraries

(Reserved)

Chapter 13. Licenses, Permits and General Business Regulations

PART 1. TRANSIENT RETAIL MERCHANTS

§ 13-101. Definitions.

[Ord. 329, 5/1/1978; as amended by Ord. 470, 9/14/1998]

EXEMPTIONS

Exceptions from licensing requirements granted to:

1. Farmers selling their own produce.
2. Home business-type distributors of nationally known products.
3. Locally based representatives of nationally known products.
4. The sale of goods, wares and merchandise, the proceeds whereof are to be applied to any local:
    A. Social purpose.
    B. Recreational purpose.
    C. Educational purpose.
    D. Charitable purpose.
    E. Philanthropic purpose.
5. Manufacturer or producer of milk in the sale of milk or milk products.

PEDDLER

Any person engaging in peddling as hereinabove defined.

PEDDLING

Engaging in peddling, canvassing, soliciting of donations, soliciting or taking of orders (either by sample or otherwise) for goods, wares or merchandise.

PERSON

Any natural person, association, partnership, firm or corporation The singular shall include the plural and the

masculine shall include the feminine and neuter in this Part.

§ 13-102. Application.

[Ord. 329, 5/1/1978]

No person shall engage in peddling within the Borough without first having applied for and obtained a license 24 hours in advance of the date on which peddling is to be done.

§ 13-103. License Requirements.

[Ord. 329, 5/1/1978; as amended by Ord. 470, 9/14/1998]

1. Any party desiring to engage in peddling within the Borough of Canton shall first make application to the Borough Administrator for a license. The minimum information they shall give will be:
   A. Name and address.
   B. Previous criminal record.
   C. Type of goods, wares and merchandise he wishes to peddle.
   D. Length of time they desire to have license and date peddling to be done.
   E. The number of helpers to be used. (Any individual making an application for himself and any additional helpers shall furnish the information required above for each helper. Each helper shall be required to have a permit.)
   F. Type of and registration number of vehicle utilized.
   G. No license under this Part shall be transferable from one party to another.

§ 13-104. Fees.

[Ord. 329, 5/1/1978; as amended by Ord. 470, 9/14/1998]

No license shall be issued until the proper fees shall be paid to the Borough Administrator which shall be for the use of the Borough. The fees shall be in amounts as established, from time to time by resolution of the Borough Council.

§ 13-105. License.

[Ord. 329, 5/1/1989; as amended by Ord. 470, 9/14/1998]

After the application procedures have been completed and a license indicating the applicable information has been issued, each peddler shall at all times when peddling in the Borough carry such license upon his person and exhibit such license upon the request of any police officer, any Borough officials or any citizen. No peddler shall sell any product not indicated upon the license. A time limit for the license will be stated in the permit.

§ 13-106. Prohibited Actions.

[Ord. 329, 5/1/1978; as amended by Ord. 470, 9/14/1998]

1. No person licensed as a peddler shall engage in peddling:
   A. Any time on Sunday or a legal holiday.
   B. Monday through Saturday except between the hours of 9:00 a.m. and 5:00 p.m.
   C. Hawk or cry his wares upon any of the streets or sidewalks of the Borough or shall he use any loudspeaker or horn or any other device for announcing his presence by which the public is annoyed.

D. Nor may any peddler deposit any refuse upon any of the streets or alleys of the Borough nor maintain or keep a street or curbstone market by parking any vehicle upon any street or alley in the Borough to sell therefrom to persons residing in the immediate vicinity.

E. Occupy any fixed location upon any of the streets, alleys or sidewalks of the Borough with or without any stand or counter.

§ 13-107. Records and Enforcement.

[Ord. 329, 5/1/1978; as amended by Ord. 470, 9/14/1998]

1. The Borough Administrator shall keep a record of all licenses issued. The Chief of Police shall apply daily to the Mayor and/or Borough Administrator for a list of those licenses issued the previous day. The Mayor and Chief of Police shall supervise the activities of all holders of licenses. The Mayor or Borough Administrator is hereby authorized to suspend any license issued when he decides the suspension would be beneficial to the health, safety or morals of the residents of the Borough or for violation of any of the provisions of this Part or for giving false information upon the application for license to peddle within the Borough. In the event of a suspension the party shall not be eligible for a license for one year from date of suspension.

2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

Chapter 14. Mobile Homes and Mobile Home Parks

(Reserved)

Chapter 15. Motor Vehicles

PART 1. GENERAL REGULATIONS

§ 15-101. Definitions and Interpretation.

[Ord. 568, 4/8/2013]

1. Words and phrases, when used in this Chapter, except for Sections or Parts to which different or additional definitions apply, shall have the meanings ascribed to them in The Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this Chapter, the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.

2. The term "legal holidays" as used in this Chapter shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

3. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 15-102. Manner of Adopting Permanent Traffic and Parking Regulations.

[Ord. 568, 4/8/2013]

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this Chapter, except where the law specifically authorizes less formal action.

§ 15-103. Provisions to be Continuation of Existing Regulations.

[Ord. 568, 4/8/2013]

The provisions of this Chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this Chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this Chapter shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

§ 15-104. Temporary and Emergency Regulations.

[Ord. 568, 4/8/2013]

1. The Chief of Police and/or the Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

   A. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and,

   B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than $600 together with costs of prosecution.

§ 15-105. Experimental Regulations.

[Ord. 568, 4/8/2013]

The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter for a violation of such nature, and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Chapter, to a fine of not more than $600 together with costs of prosecution; provided, the purpose of this Section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

§ 15-106. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

[Ord. 568, 4/8/2013]

1. The Borough Council and/or the Chief of Police and/or the Street Superintendent shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

2. The Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.

3. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of not more than $600 and costs.

§ 15-107. Use of Streets by Processions and Assemblages.

[Ord. 568, 4/8/2013]

1. For the purpose of this Section, the words "assemblage" and "procession" shall have the following meanings:

   ASSEMBLAGE
   A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

   PROCESSION
   A group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

2. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Borough Council, which shall be issued without fee by the Borough Police and filed with PennDOT. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least six weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.

3. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Borough Council, which shall be issued without fee by the Borough Police and filed with PennDOT. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where a State-designated highway is proposed to be used, application shall be made at least six weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

4. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of not more than $600 and costs.

§ 15-108. Authority of Police Officers.

[Ord. 568, 4/8/2013]

The police officers of the Borough are hereby authorized to direct traffic on the highways of the Borough and at intersections thereof and to otherwise enforce the provisions of this Chapter.

§ 15-109. Authorization for Use of Speed Timing Devices.

[Ord. 568, 4/8/2013]

1. The Borough Police Department is hereby authorized to use all speed timing devices, including but not limited to stop watches and ENRADD, for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with Title 75, Pa.C.S.A. § 3368.

2. This Section authorizes the use of said devices upon all highways within the Borough, be they Borough, County

or State highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. § 6101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

PART 2. TRAFFIC REGULATIONS

§ 15-201. Maximum Speed Limits Established on Certain Streets.

[Ord. 568, 4/8/2013]

1. Maximum speed limits are established on the following Borough Streets, as follows, and it shall be unlawful for any person to drive a vehicle on any street, or part of any street, where a maximum speed limit applies, at a higher speed than the maximum prescribed for that street:

Street	Between	Maximum
Brann Street	The entire length	25 mph
Carlton Street	The entire length	25 mph
Chestnut Street	The entire length	25 mph
Clinton Street	The entire length	25 mph
East Carson Street	The entire length	25 mph
East Main Street	Regulated by Pennsylvania Department of Transportation	
East Second Street	A one block area from the center of South Washington Street to the center of Montague Street of the street	15 mph
East Second Street	From the center of South Center Street to the center of South Washington Street and from the center of Montague Street to the end of East Second Street	25 mph
East South Avenue	Regulated by Pennsylvania Department of Transportation	
East Tioga Street	The entire length	25 mph
East Union Street	Entire length of street except for school zone during specified hours	25 mph
East Union Street	From the center of Elm Street to a point 231 feet west (School Zone)	15 mph (between 8-8:30 a.m. and between 3-3:30 p.m. Mondays through Fridays when school is in session)
Elm Street	The entire length	25 mph
Fassett Street	The entire length	25 mph
First Street	The entire length	25 mph
High Street	The entire length	25 mph
Little Street	The entire length	25 mph
Lower Mountain Road	To the Borough line	25 mph
Lycoming Street	The entire length	25 mph
Montague Street	The entire length	25 mph
North Center Street	Regulated by Pennsylvania Department of Transportation	
North Minnequa Avenue	The entire length	25 mph
North Street	Within the Borough boundaries	25 mph

Street	Between	Maximum
North Washington Street	The entire length	25 mph
Park Place	The entire length	25 mph
South Center Street	The entire length	25 mph
South Minnequa Avenue	Regulated by Pennsylvania Department of Transportation	
South Washington Street	The entire length	25 mph
Springbrook Drive	Regulated by Pennsylvania Department of Transportation	
Sullivan Street	The entire length	25 mph
Trippe Street	The entire length	25 mph
Troy Street	Regulated by Pennsylvania Department of Transportation	
Upper Mountain Road	To the Borough line	25 mph
West Carson Street	The entire length	25 mph
West Main Street	Regulated by Pennsylvania Department of Transportation	
West Second Street	The entire length	25 mph
West South Avenue	Within the Borough boundaries	25 mph
West Tioga Street	The entire length	25 mph
West Union Street	To the Borough line	25 mph

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of $2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 15-202. Traffic Signals at Certain Locations.

[Ord. 568, 4/8/2013]

1. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Location	Type of Signal
Intersection of Lycoming Street, Sullivan Street, Route 14 and Route 414	Traffic signal

2. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 15-203. Intersections Where Turn Prohibited on Red Signal.

[Ord. 568, 4/8/2013]

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection	Vehicles Traveling On	Facing
Lycoming Street and Route 14	Lycoming Street	East
Route 14 and West Main Street	Troy Street (Route 14)	South
West Main Street and Route 14	West Main Street	West

2. Any driver of a vehicle who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 15-204. Stop Intersections Established.

[Ord. 568, 4/8/2013]

1. The following intersections (in addition to intersections with the through highways established by § 15-212) are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first named or stop street, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that Section of the law.

Stop Street	Intersection or Through Street	Direction of Travel
All streets approaching	East Main Street	North and South
All streets approaching	Lycoming Street	West and South
All streets approaching	Troy Street	East, West and North
All streets approaching	West Main Street	East, North and South
All streets approaching	West Union Street	West, North and South
Carlton Street	West South Avenue	North
Chestnut Street	East Union Street	North
East Carson Street	North Center Street	West
East Second Street	Fassett Street	East and West
East Second Street	Montague	East and West
East Second Street	South Minnequa Avenue	East and West
East Second Street	South Washington Street	East and West
East South Avenue	South Minnequa Avenue	West
East Tioga Street	North Center Street	West
East Tioga Street	North Minnequa Avenue	East
East Union Street	Elm Street	East and West
East Union Street	North Center Street	West
East Union Street	North Minnequa Avenue	East and West
Elm Street	East Union Street	North and South
First Street	Montague Street	East
First Street	South Washington Street	West
High Street	West Union Street	South
McIntosh Lane	North Center Street	East
Montague Street	East Second Street	East and West
North Minnequa Avenue	East Carson Street	South
North Minnequa Avenue	East Union Street	North and South
North Washington Street	East Union Street	North
Park Place	Lycoming Street	South
South Center Street	East Second Street	North and South
Sullivan Street	Springbrook Drive	North
Sullivan Street	West South Avenue	South

Stop Street	Intersection or Through Street	Direction of Travel
Unnamed road which leaves East Carson Street and goes over the concrete bridge	North Minnequa Avenue	East and West
West Carson Street	North Center Street	East
West Second Street	South Center Street	East
West South Avenue	South Minnequa Avenue	East
West Tioga Street	North Center Street	East

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 15-205. Operation of Motor Vehicles Restricted on Public Lands.

[Ord. 568, 4/8/2013]

1. No motor vehicle including a motorcycle, pedalcycle, minibike, 4-wheelers, ATV's or snowmobiles shall be operated on any property owned by the Borough or any other public agency or instrumentality within the Borough without the permission of the property owner and a permit from the Council of the Borough.

2. Any person who violates any provision of this Section shall, upon conviction, be sentenced to pay a fine of $25 and costs.

§ 15-206. One-Way Roadways Established.

[Ord. 568, 4/8/2013]

1. The following are established as one-way roadways, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street	From	To	Direction of Travel
Trippe Street	High Street	Approximately 350 feet to left hand turn on Trippe Street	East

2. Any person who violates any provision of this Section, upon conviction, shall be sentenced to pay a fine of $25 and costs.

PART 3. RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD

§ 15-301. Definitions.

[Ord. 568, 4/8/2013]

1. Definitions. As used in this Section, the following terms shall have the meanings indicated:

BOROUGH
The Borough of Canton, Bradford County, Pennsylvania.

LOCAL TRAFFIC

A. Emergency vehicles.

B. School buses.

C. Motor buses being operated in the Borough on regularly established routes.

D. Garbage collection and disposal vehicles.

E. Vehicles and combinations of government agencies or utilities or their contractors engaged in construction or maintenance (including snow removal) on a posted street or in a location which can be reached only via a street.

F. Vehicles and/or combination of vehicles going to or from a residence, commercial establishment or farm located on a posted street or which can be reached only via a posted street.

G. Vehicles making pick ups and deliveries.

POSTED STREET
A street having a posted weight and/or size limit.

SEMI TRAILER
A trailer so constructed that some of its weight rests upon or is carried by the towing vehicle.

STREET
The entire width between the boundary line of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular traffic.

TRAILER
A vehicle designed to be towed by a motor vehicle including, but not limited to, travel trailers, campers, boat trailers and utility trailers.

TRUCK
A motor vehicle designed, used or maintained primarily for the transportation of property.

TRUCK TRACTOR
A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle of the load so drawn.

VEHICLE CODE
The Vehicle Code of Pennsylvania, Act of June 17, 1976, P.L. 162, No. 81, effective July 1, 1977, as amended (75 Pa.C.S.A. § 101-9701).

2. All other terms used in this Section shall have the same definition as they have in the Pennsylvania Vehicle Code.

§ 15-302. Vehicle Weight Limits Established on Certain Streets and Bridges.

[Ord. 568, 4/8/2013]

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Between	Maximum Gross Weight
North Minnequa Avenue	Wooden bridge	32 tons
Unnamed road which leaves East Carson Street	Concrete bridge	37 tons

2. Any person who violates any provision of this Section shall be prosecuted under Sections 4902(a) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of $150 plus $150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs.

§ 15-303. Restrictions on Size of Vehicles on Certain Streets and Bridges.

[Ord. 568, 4/8/2013]

1. On the following bridges and streets or parts of streets, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that bridge or street or part of street:

Street or Bridge	Between	Restrictions
East Second Street	Route 154 and Fassett Street	Combination of truck tractor (minimum length of 25 feet and width of 96 inches) and trailer or semi trailer (minimum length of 45 feet)
Fassett Street	Entire length	Combination of truck tractor (minimum length of 25 feet and width of 96 inches) and trailer or semi trailer (minimum length of 45 feet)
Montague Street	Entire length	Combination of truck tractor (minimum length of 25 feet and width of 96 inches) and trailer or semi trailer (minimum length of 45 feet)

2. Exempted are local traffic as referenced and defined in § **15-301** above.

3. Any person who violates any provision of this Section shall be prosecuted under Section 4902(b) and of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of not more than $500 and costs and restitution.

§ 15-304. Restrictions as to Weight and Size of Vehicles on Certain Streets and Bridges.

[Ord. 568, 4/8/2013]

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the restriction prescribed below for that bridge or street or part of street.

Street or Bridge	Between	Restrictions
[Reserved]		

2. Any person who violates any provision of this Section shall be prosecuted under Sections 4902(b) and 4902(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of not less than $25 and not more than $100 and costs.

§ 15-305. Truck Traffic Restricted on Certain Streets.

[Ord. 568, 4/8/2013]

1. Parking of Trucks Prohibited on Certain Streets and Idling on Public or Private Property Prohibited During Certain Times. Parking of trucks, trailers, truck tractors and/or truck tractors and trailers and motor homes other than for the purposes of loading or unloading cargo, is prohibited on the Borough streets as follows:

   A. On all of the Borough streets that are in the sections of the Borough zoned R1, R2 and Mobile Home Park District.

   B. Truck trailers, truck tractors and/or truck tractors and trailers and motor homes cannot idle on public or private property between the hours of 6:00 p.m. and 6:00 a.m. in the sections of the Borough zoned R1, R2 and Mobile Home Park District. Truck trailers, truck tractors and/or truck tractors and trailers that are equipped with a refrigeration unit, if the unit is operating, cannot be parked in sections of the Borough zoned R1, R2 or Mobile Home Park District between the hours of 6:00 p.m. and 6:00 a.m.

2. Exceptions.

A. Pickup trucks having no more than one rear axle and no more than one tire per side upon the rear axle are hereby excepted from the provisions of this Section.

B. Trucks making local deliveries may use the said Borough streets; provided that access to a property cannot be obtained unless they use Borough streets.

3. Parking. Parking of uninspected, unregistered or unlicensed or damaged motor vehicles of any type or class is prohibited upon any of the Borough streets.

4. Violations and Penalties. Violation of this Section shall be a summary offense, the penalty for which shall be not more than $600. Each day of violation may be considered a separate offense.

PART 4. GENERAL PARKING REGULATIONS

§ 15-401. Vehicles to be Parked Within Marked Spaces.

[Ord. 568, 4/8/2013]

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Part for any person to park a vehicle or allow it to remain parked otherwise.

§ 15-402. Parking Prohibited at all Times in Certain Locations.

[Ord. 568, 4/8/2013]

Parking shall be prohibited at all times in the following locations, including all marked spots by paint or signage, as well as is allowed under the PA Vehicle Code with regard to fire hydrants, crosswalks, traffic control signals and stop signs:

Street	Side	Between
East Main Street	North	16 feet west of parking spaces after drive for Schoonover's Plumbing & Heating
East Main Street	North	17 feet west of parking spaces after Schoonover's Plumbing & Heating
East Main Street	North	21 feet west of marked parking spaces between intersection of North Minnequa Avenue and driveway
East Main Street	North	22 feet space marked for Police parking only that is approximately 49 feet east of intersection with North Center Street
East Main Street	North	27 feet east of intersection with North Center Street
East Main Street	North	50 feet from the North Minnequa intersection starting at the intersection and heading east toward the Church
East Main Street	North	Intersection of North Minnequa Avenue to a point 40 feet west
East Main Street	South	22 feet east of marked handicap space
East Main Street	South	30 feet east of intersection with South Center Street
East Main Street	South	44 feet of emergency parking only marked near the northwest corner of McCallum Manor
East Main Street	South	68 feet west of intersection of South Minnequa Avenue
East Second Street	North	War Memorial Pavilion east to Fassett Street
East Second Street	South	South Washington Street to Fassett Street
East Tioga Street	South	The area in front of 6 East Tioga Street
Fire Lane	Both	As marked from Park Place through the Municipal Parking Lot

Street	Side	Between
Highway Route 14/414	South	Borough line and a point 605 feet east
Lycoming Street	North	All spaces other than the 2 designated spaces beginning at the intersection of the Canton Pharmacy parking lot and Lycoming Street and extending west to the intersection of Park Place and Lycoming Street
Lycoming Street	South	West Main Street to a point 448 feet west
North Center Street	East	30 feet north of intersection with East Main Street
North Center Street	West	41 feet north of intersection with West Main Street
South Minnequa Avenue	East	East Main Street to south line of 11 South Minnequa Avenue
South Washington Street	Both	East Second Street and a point 30 feet North
Sullivan Street	Both	West Main Street and West Second Street
Troy Street	East	69 feet north to alley/driveway
Troy Street	East	Area south of intersection with West Union Street north to Borough line
Troy Street	East	In front of 50 Troy Street which is the parking space furthest to the north of the two parking spaces in front of 50 Troy Street
Troy Street	East	Two driveways leading into the Service Station
Troy Street	West	54 feet north of red light intersection
Troy Street	West	Area south of intersection with West Union Street north to Borough line
West Main Street	North	20 feet west of alley and east of 2 parking spaces
West Main Street	North	30 feet west of center block crosswalk
West Main Street	North	30 feet east of intersection with North Center Street
West Main Street	North	31 feet east of center block crosswalk
West Main Street	North	No parking from end of 3rd parking space to red light intersection
West Main Street	South	20 feet east of center block crosswalk
West Main Street	South	25 feet east from red light intersection
West Main Street	South	29 feet west of center block crosswalk
West Main Street	South	37 feet west of intersection with South Center Street
West Second Street	North	Sullivan Street to South Center Street
West Second Street	South	Sullivan Street to South Center Street

§ 15-403. Parking Prohibited in Certain Locations Certain Days and Hours.

[Ord. 568, 4/8/2013]

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this Section, as follows:

Street	Side	Between
[Reserved]		

§ 15-404. Parking of Trucks, Buses and Certain other Vehicles Prohibited in Certain Locations.

[Ord. 568, 4/8/2013]

1. It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

Street	Between
[Reserved]	

2. Additionally, tractor trailers are prohibited from parking 50 feet from the intersection of Main Street and Minnequa Avenue beside the McCallum Manor complex on the south side of Main Street.

3. Truck parking is prohibited 50 feet east on the west bound lane of East Main Street from the intersection with North Minnequa Avenue.

§ 15-405. Parking Time Limited in Certain Locations Certain Days and Hours.

[Ord. 568, 4/8/2013]

[Reserved]

§ 15-406. Special Purpose Parking Zones Established; Parking Otherwise Prohibited.

[Ord. 568, 4/8/2013]

It shall be unlawful for any owner or operator of a motor vehicle or other vehicle to park said motor vehicle or other vehicle in an area designated as reserved for handicapped vehicle operators or owners unless that owner or operator possesses a Pennsylvania Registration Plate or Placard issued by the Pennsylvania Department of Transportation identifying the owner or operator as handicapped. The portion of the streets which are established as reserved for handicapped vehicle owners or operators, or other specified purposes, are as follows:

Street	Side	Location	Authorized Purpose or Vehicle
—	—	One parking space approximately at the center of the east side of the Canton Municipal parking lot	Handicapped parking
North Center Street	East	First parking space past the driveway to the Borough office	Handicapped parking
North Center Street	East	One parking space north of the North Center Street intersection	Handicapped parking
Park Place	—	One parking space immediately in front of the Canton Borough Authority Office at 62 Park Place	Handicapped parking
Second Street	North	Adjacent to the pavilion at the park by the swimming pool	Handicapped parking
Troy Street	West	One parking space located immediately in front of 21 Troy Street	Handicapped parking
West Main Street	South	First parking space past the driveway exit of the bank on the corner	Handicapped parking

(Any other space identified by a sign as reserved for handicapped vehicle operators or owners)

§ 15-407. Standing or Parking on Roadway for Loading or Unloading.

[Ord. 568, 4/8/2013]

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Saturday, between the hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:00 p.m. and 4:00 p.m., and for no longer than necessary for the loading or unloading.

Street	Side	Between
All Borough streets		

§ 15-408. Angle Parking Required on Portions of Certain Streets.

[Ord. 568, 4/8/2013]

Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
Second Street	North	No parking zone to a point 217 feet west
South Washington Street	East	Private driveway to a point 150 feet north

On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

§ 15-409. Penalties.

[Ord. 568, 4/8/2013]

Any person who violates any provision of this Part shall, upon conviction, be sentenced to pay a fine as referenced in the Vehicle Code for that particular violation and costs. Provided: it shall be the duty of the appropriate employee of the Borough to report to the appropriate official all violations of any provision of this Part, indicating, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this Part. The notice shall contain instructions to the owner or driver of the vehicle that if he will report to the office of the Chief of Police and pay the sum of $10 ($50 for handicap parking) within five days after the time of the notice, or if he will place the sum of $10 ($50 for handicap parking), enclosed within the envelope provided, in any of the special parking fine boxes installed at various locations within the Borough, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this Section.

PART 5. SNOW AND ICE EMERGENCY, TEMPORARY PARKING RESTRICTIONS FOR SNOW REMOVAL AND STREET CLEANING

§ 15-501. Purpose.

[Ord. 568, 4/8/2013]

This Part is intended to regulate parking of vehicles on the streets of Canton Borough during and after periods of snowfall to facilitate snow removal from the streets and to regulate said parking during all other times, as necessary, to facilitate street cleaning efforts of the Borough.

§ 15-502. Declaration of Snow and Ice Emergency.

[Ord. 568, 4/8/2013]

1.

A. In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in § **15-505** of this Part, the Mayor and/or Emergency Management Coordinator and/or Council President, in his discretion, may declare a snow and ice emergency (designated in this Part as a "snow emergency"). Information on the existence of a snow emergency shall be given by the Borough through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

B. During a snow emergency so declared, parking will be disallowed along certain designated streets of the Borough where signs have been placed and which bear the words "No Parking During Snow Emergency."

C. Depending on weather conditions and/or reports, the snow emergency declaration shall either be rescinded or continued by the Mayor and/or Emergency Management Coordinator and/or Council President, or their designee, by additional proclamation within 14 days.

2. And/or:

A. A snow emergency will automatically go into effect when a winter storm warning or heavy snow warning is issued by the National Weather Service. The snow emergency shall stay in full effect until the National Weather Service expires the warning notice.

B. The Mayor and/or Emergency Management Coordinator and/or Council President, or their designee, reserves the right to extend the snow emergency after the National Weather Service terminates the warning notice to allow for the removal of accumulated snow piles within the Borough. The Mayor and/or Emergency Management Coordinator and/or Council President, or their designee, is only required to remind the citizens of a snow emergency in effect by announcement over the local radio station if the emergency is extended beyond the expiration of the warning notice issued by the National Weather Service.

§ 15-503. Definitions.

[Ord. 568, 4/8/2013]

The following words and terms, as used in this Part, shall have the meanings hereby respectively ascribed thereto:

EMERGENCY PURPOSES
The use of a motor vehicle to transport medical personnel, fire, police, utilities and other persons otherwise stranded by the storm.

SNOW EMERGENCY
An actual or threatened state of highway conditions caused by the accumulation on the streets of any amount of snow that is hazardous and dangerous to vehicular and pedestrian traffic.

VEHICLE
Any self-propelled motorized vehicle using any street or highway in the Borough.

§ 15-504. Regulations and Restrictions.

[Ord. 568, 4/8/2013]

1. The following regulations shall apply during snow emergencies:

A. It shall be unlawful for any person to park a vehicle or to allow the same to remain parked on any permanent snow emergency street or on any temporary emergency street posted as such. The fine shall be $25 for each twenty-four-hour period the vehicle is in violation.

B. Any vehicle that shall become stalled, incapable of moving under its own power or left unattended upon any traffic lane of any snow emergency street shall be deemed to be operated and/or parked in violation of this Part, and the owner or operator of such vehicle shall be guilty of a violation of this Part.

C. Borough authorities may remove, by any means authorized by law, any vehicle parked in violation of this Part or stalled or otherwise inoperative upon any snow emergency street, as herein prohibited, which is constituting an extreme hazard to public safety and/or which jeopardizes the orderly performance of snow emergency functions by the Borough's Street Department.

§ 15-505. Snow Emergency Routes Designated.

[Ord. 568, 4/8/2013]

1. The streets or parts of streets described below are hereby designated as permanent snow emergency streets.

2. Temporary snow emergency streets shall be designated by the Emergency Management Coordinator and/or Mayor and/or Council President any time during a snow emergency by announcement over local radio stations and by posting with temporary signs, such temporary snow emergency streets to have such temporary emergency status beginning 24 hours after the applicable radio announcement or 24 hours after the posting thereof, whichever shall be later.

Street	**Between**
Fassett Street	Entire length/both sides
North Washington Street	Entire length/both sides
North Minnequa Avenue	Entire length/both sides
Lycoming Street	Entire length/both sides
East Tioga Street	Entire length/both sides
High Street	Entire length/both sides
McIntosh Lane	Entire length/both sides
Clinton Street	Entire length/both sides

§ 15-506. Temporary Parking Restrictions for Snow Removal and Street Cleaning.

[Ord. 568, 4/8/2013]

1. Whenever, in the opinion of the Borough Police Chief and/or Borough Street Superintendent, or his designee, as a result of anticipated storms or of snow already on the ground, it is in the best interests of the general public for the purpose of snow removal and reopening of streets that certain parking be prohibited, the Borough Police Chief and/or Borough Street Superintendent, or his designee, may cause to be advertised in a newspaper of general circulation and flyers placed under vehicle windshields, information indicating that parking of vehicles is disallowed for upcoming snow removal. Upon the advertisement and the placement of windshield flyer, it shall be unlawful for any person to park or stop any vehicle, except for temporary loading and unloading, along the side of the street so indicated. Any vehicle still parked in the prohibited areas shall be subject to the fines and penalties specified in § **15-508**.

2. Whenever, in the opinion of the Borough Street Superintendent, or his designee, it is in the best interests of the general public to remove dirt, debris, leaves, etc., from the Borough streets, he may cause to be advertised in a newspaper of general circulation and flyers placed under vehicle windshields, information indicating that parking of vehicles is disallowed. Upon the advertisement and the placement of windshield flyer, it shall be unlawful for any person to park or stop any vehicle, except for temporary loading and unloading, along the side of the street indicated. Such advertisement shall be made and windshield flyers shall be placed at least 12 hours before the Borough's street cleaning efforts shall be undertaken and shall indicate the time after which parking is prohibited. Any vehicle still parked in the prohibited areas shall be subject to the fines and penalties specified in § **15-508**.

§ 15-507. Towing.

[Ord. 568, 4/8/2013]

If in the event that an owner of a vehicle parked in a prohibited area cannot be located and it is necessary that the vehicle be moved in order to facilitate snow removal and street cleaning efforts, the Borough Police Chief, or his designee, may cause the vehicle to be towed to the nearest available parking place in the neighborhood. All costs of such towing shall be billed by the Borough to the owner of said vehicle. Failure to pay these towing costs shall cause the Borough to recover said costs through any legal means available to it.

§ 15-508. Penalty for Violation.

[Ord. 568, 4/8/2013]

If, at any time during a period of snow emergency declared under § **15-502** of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of not more than $600 and costs.

PART 6. ENGINE BRAKE NOISE DISTURBANCE

§ 15-601. Short Title.

[Ord. 568, 4/8/2013]

This Part shall be known as the "Canton Borough Engine Suppression/Brake Retarder/Engine Brake Ordinance."

§ 15-602. Legislative Intent.

[Ord. 568, 4/8/2013]

The Borough Council of the Borough of Canton, Bradford County, Pennsylvania, finds as a fact that the operation of an engine brake or an engine suppression device or a compression brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake or engine suppression device or compression brake, adversely affects the public health, safety and welfare of the residents of the Borough of Canton and therefore, is a nuisance in fact.

§ 15-603. Engine Brakes Prohibited.

[Ord. 568, 4/8/2013]

No gasoline powered or diesel powered motor vehicles shall be operated on the streets, roads, alleys or highways listed below within the Borough of Canton, Bradford County, Pennsylvania, utilizing, in said operation, an engine brake, engine suppression device or compression brake, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle.

§ 15-604. Streets.

[Ord. 568, 4/8/2013]

1. The streets subject to this prohibition shall be as follows:

    A. PA 14 northbound from approximately 265 feet south of traffic light to approximately 150 feet south of North Street.

    B. SR 3027 (North Center Street) northbound from East Main Street to approximately 175 feet south of Canton Borough/Canton Township boundary.

    C. SR 3027 (North Center Street) southbound from approximately 300 feet south of Canton Borough/Canton Township boundary to East Main Street.

D. PA 414 eastbound from traffic light to approximately 175 feet west of school speed limit sign on north side of street.

E. PA 414 westbound from approximately 300 feet east of school speed limit sign on north side of street to traffic light.

All streets will be marked with signage as shown on attached maps.[1]

[1] *Editor's Note: The maps attached to the original of Ord. 568 are on file in the Borough office.*

§ 15-605. Emergency Situations.

[Ord. 568, 4/8/2013]

This Part shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of Canton Borough, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

§ 15-606. Penalty.

[Ord. 568, 4/8/2013]

Any person, firm, corporation or organization violating any of the provisions of this Part shall, upon summary conviction before a district magistrate having jurisdiction, be sentenced to pay a fine of not more than $600 and costs of prosecution, and in default of the payment thereof, shall be sentenced to undergo imprisonment in any County Jail for a period not to exceed 10 days.

Chapter 16. Parks and Recreation

PART 1. WAR MEMORIAL PARK

§ 16-101. Rules and Regulations.

[Ord. 536, 8/13/2007]

1. Canton Borough wishes to set forth the rules and regulations for the War Memorial Park area in Canton Borough, which will be designated as the area located between First Street and Second Street and South Washington Street and Montague Street in the Borough of Canton.

2. The War Memorial Park area encompasses the basketball courts, the tennis courts, the swimming pool, the volleyball courts, the pavilion, the playground equipment, the baseball field and any open spaces in between.

3. The Council of the Borough of Canton, Bradford County, Pennsylvania hereby ordains and enacts that:

   A. This will be a no smoking area.

   B. No alcoholic beverages are allowed.

   C. No bicycles, skateboards, roller blades, scooters or other wheeled vehicles are allowed under the pavilion or on any of the tables, equipment or tennis courts.

4. The War Memorial Park area will be open from 6:00 a.m. until 9:00 p.m. The Park area will be closed from 9:00 p.m. until 6:00 a.m. The tennis court area only will be open until 10:00 p.m. There will be no loitering in the Park area after the Park area is closed.

5. If a special event is to be held in the Park area, Canton Borough Council reserves the right to give approval for an extension of the Park area hours.

§ 16-102. Enforcement.

[Ord. 536, 8/13/2007]

Enforcement will be allowable by the Manager of the War Memorial Pool, Borough employees and/or Borough Council.

§ 16-103. Violations.

[Ord. 536, 8/13/2007]

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. A written warning will be sent to the parents of the offender for the first offense. The parents of the offender will be cited for the second and subsequent offenses.

§ 16-104. Penalties.

[Ord. 536, 8/13/2007]

Any person or business that shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than $600 plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues, after notice, shall constitute a separate offense.

Chapter 17. Planned Residential Development

(Reserved)

Chapter 18. Sewers and Sewage Disposal

PART 1. HOLDING TANKS

§ 18-101. Purpose.

[Ord. 429, 7/9/1990]

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough, except for such exemptions set aside by the Act of Assembly as shall be applicable to agricultural uses.

§ 18-102. Definitions.

[Ord. 429, 7/9/1990]

Unless the context specifically and clearly indicates otherwise the meaning of terms used in this Part shall be as follows:

AUTHORITY
: The Borough Council of the Borough of Canton, Bradford County, Pennsylvania.

HOLDING TANK
: A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPROVED PROPERTY
: Any property within the Borough upon which here is erected a structure intended for continuous or periodic habitation, occupancy or used by human beings or animals and from which structure sewage shall or may be

discharged.

MUNICIPALITY
The Borough of Canton, Bradford County, Pennsylvania.

OWNER
Any person vested with ownership, legal or equitable, sole or partial or any property located in the Borough.

PERSON
Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE
Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation, except such exemptions as shall be set aside by act of assembly as exempt from requiring planning in the disposal of waste for agricultural uses without actual harm resulting to wit: agricultural farm waste as defined under Chapter 101, Subsection 101.3, regarding special water pollution regulations.

§ 18-103. Right and Privileges Granted.

[Ord. 429, 7/9/1990]

The Authority is hereby authorized and empowered to undertake within the Borough the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

§ 18-104. Rules and Regulations.

[Ord. 429, 7/9/1990]

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

§ 18-105. Rules and Regulations to be in Conformity with Applicable Law.

[Ord. 429, 7/9/1990]

All such rules and regulations adopted by the Authority shall be in conformity with the provisions of this Part, all other ordinances of the Borough and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 18-106. Rates and Charges.

[Ord. 429, 7/9/1990]

The Authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§ 18-107. Exclusiveness of Rights and Privileges.

[Ord. 429, 7/9/1990; as amended by Ord. 470, 9/14/1998]

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
2. The Authority will receive, review and retain pumping receipts from permitted holding tanks.
3. The Authority will complete and retain annual inspection reports for each permitted tank.

§ 18-108. Duties of Improved Property Owner.

[Ord. 429, 7/9/1990]

1. The owner of an improved property that utilizes a holding tank shall:

   A. Maintain the holding tank in conformance with this Part or any ordinance of this Borough, the provisions of any applicable law and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

   B. Permit only the Authority or its agent to inspect holding tanks on an annual basis.

   C. Permit only the Authority or its agent to collect, transport and dispose of the contents therein.

§ 18-109. Penalties.

[Ord. 429, 7/9/1990; as amended by Ord. 470, 9/14/1998]

Any person, firm or corporation who shall violate any provision of § **18-108** shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 18-110. Abatement of Nuisance.

[Ord. 429, 7/9/1990]

In addition to any other remedies provided in this Part, any violation of § **18-108**, above, shall constitute a nuisance and shall be abated by the Borough or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

PART 2. PRIVY VAULTS

§ 18-201. Purposes.

[Ord. 430, 7/9/1990]

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

§ 18-202. Definitions.

[Ord. 430, 7/9/1990]

Unless the context specifically and clearly indicates otherwise the meaning of terms used in this Part shall be as follows:

AUTHORITY
The Borough of Canton, Bradford County, Pennsylvania.

IMPROVED PROPERTY
Any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

MUNICIPALITY
The Borough of Canton, Bradford County, Pennsylvania.

OWNER
Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

PERSON
Any individual, partnership, company, association, corporation or other group or entity.

PRIVY
A watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped waste water is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

SEWAGE
Any substance that contains any of the waste products or excrement or other discharge form the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams law (35 P.S. §§ 691.1 - 691.1001).

§ 18-203. Rights and Privileges Granted.

[Ord. 430, 7/9/1990]

The Authority is hereby authorized and empowered to undertake within the Borough the control and methods of privy use, sewage disposal and sewage collection and transportation thereof.

§ 18-204. Rules and Regulations.

[Ord. 430, 7/9/1990]

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

§ 18-205. Rules and Regulations to be in Conformity With Applicable Law.

[Ord. 430, 7/9/1990]

All such rules and regulations adopted by the Authority shall be in conformity with the provisions of this Part, all other ordinances of the Borough and all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§ 18-206. Rates and Charges.

[Ord. 430, 7/9/1990]

The Authority shall have the right and power to fix, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§ 18-207. Condition of Privy Use.

[Ord. 430, 7/9/1990]

1. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the Title 25, Chapter 73, "Standards for Sewage Disposal Facilities," requirements for the ultimate sewage disposal by an approved onlot system if water under pressure or piped waste water becomes available to the lot.

2. At such time that water under pressure becomes available the property owner must remove the privy and replace the privy with an approved onlot system.

3. The conditions of use described in Subsection **1** above do not apply:

A. To a privy to be used on an isolated lot which is not nor will be served by water under pressure in the future.

B. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.

4. Specific conditions for use of privies shall be incorporated in the permit applications and permit for the proposed use of a privy.

5. The authority is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

§ 18-208. Exclusiveness of Rights and Privileges.

[Ord. 430, 7/9/1990; as amended by Ord. 470, 9/14/1998]

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

§ 18-209. Duties of Improved Property Owner.

[Ord. 430, 7/9/1990]

1. The owner of an improved property that utilizes a privy shall:

A. Maintain the privy in conformance with this Part or any ordinance of this Borough, the provisions of any applicable law and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Authority or its agent to collect, transport and dispose of the contents therein.

C. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved onlot system meeting Chapter 73 standards in the event that water under pressure or piped wastewater becomes available to the property.

D. Permit the Authority to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

§ 18-210. Penalties.

[Ord. 430, 7/9/1990; as amended by Ord. 470, 9/14/1998]

Any person, firm or corporation who shall violate any provisions of §§ **18-207**, **18-208** or **18-209** shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 18-211. Abatement of Nuisances.

[Ord. 430, 7/9/1990]

In addition to any other remedies provided in this Part any violation of § **18-209** above shall constitute a nuisance and shall be abated by the Borough or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

PART 3. LICENSES AND INSPECTIONS

§ 18-301. Short Title.

[Ord. 304, 6/23/1975]

This Part shall be known and may be cited as the "Canton Borough Sanitation Ordinance."

§ 18-302. Permit Required.

[Ord. 304, 6/23/1975; as amended by Ord. 470, 9/14/1998]

No person shall install an individual sewage disposal system or construct any building in which an individual sewage disposal system is to be installed or major alterations are to be made to an existing system without first obtaining a permit indicating that the site and plans and specifications of such system are in compliance with this Part and the standards and regulations of the Pennsylvania Department of Environmental Protection. This Part shall apply without regard to the area or size of the real property on which the said individual sewage disposal system is to be constructed.

§ 18-303. Application for Permit.

[Ord. 304, 6/23/1975]

The application for the permit shall be submitted in writing to Canton Borough on forms supplied by Canton Borough and shall be submitted to the licensing officer as hereinafter described. Said forms may be those supplied by the Committee on Sanitation for Bradford County.

§ 18-304. Designation of Licensing Officer.

[Ord. 304, 6/23/1975]

The Borough Council of Canton Borough shall by resolution designate a licensing officer who shall serve at the pleasure of the said Borough Council. The salary of the said officer shall be fixed by the said Borough Council. The said officer may be the nominee of the Committee on Sanitation for Bradford County with the salary as set by agreement with said Committee.

§ 18-305. Designation of Inspection Officer.

[Ord. 304, 6/23/1975]

The Borough Council of Canton Borough shall by resolution designate an inspection officer who shall serve at the pleasure of the said Borough Council. The salary of the said officer shall be as fixed by the said Borough Council. The said officer may be the nominee of the Committee on Sanitation for Bradford County with the salary as set by agreement with said Committee.

§ 18-306. Issuance of Permit.

[Ord. 304, 6/23/1975]

The inspection officer, upon consideration of the application for permit and sewage facility plans, shall within seven days after receiving the said permit issue the said permit or deny a permit. Denial of the permit shall be supported by a statement in writing of the reasons for such action. In the event the data submitted by the applicant is incomplete, the time for acting upon the said permit shall be extended for seven days beyond the date of submission of adequate supplementary or amendatory data.

§ 18-307. Approval to Cover.

[Ord. 304, 6/23/1975]

No system or structure designed to provide individual sewage disposal to any realty improvement shall be covered from view until approval to cover the same has been given by the inspection officer. If 72 hours have elapsed, excepting Sundays and holidays, since the inspection officer received notification of completion of construction the

applicant may cover said system or structure unless permission has been refused by the inspection officer.

§ 18-308. Hearings.

[Ord. 304, 6/23/1975]

In case any permit is denied or revoked a hearing shall be held thereon before the Borough Council of Canton Borough within 15 days after the request therefor is made by the applicant. Within seven days following the date of such hearing the applicant shall be notified in writing of the determination of said hearing.

§ 18-309. Revocation of Permit.

[Ord. 304, 6/23/1975]

In the event the inspection officer determines that any change has occurred in the physical condition of any land of a realty improvement which will materially affect the operation of the individual sewage disposal system covered by the permit, the permit shall be revoked and a new permit shall be obtained before construction shall proceed; provided, that no additional charge shall be made if a second permit is applied for within 30 days after the first permit shall be issued.

§ 18-310. Powers of Inspection Officer.

[Ord. 304, 6/23/1975]

The inspection officer shall have the power to make or cause to be made such inspections and tests as may be necessary to carry out the provisions of this Part and shall have the right to enter upon such lands for such purposes.

§ 18-311. Fees.

[Ord. 304, 6/23/1975; as amended by Ord. 403, 9/18/1987; and by Ord. 470, 9/14/1998]

1. There is hereby set as a license fee for a permit under the provisions of this Part a sum in an amount as established, from time to time, by resolution of the Borough Council which shall be paid at the time of application for a permit. This license fee shall pay for the inspection of the data with respect to said permit and for checking the percolation data.
2. There is hereby set as an inspection fee under the provisions of this Part a sum in an amount as established, from time to time, by resolution of the Borough Council which shall be paid prior to the final inspection. This inspection fee shall pay for the final inspection prior to covering of the ground.

§ 18-312. Consideration of Permit Application.

[Ord. 304, 6/23/1975; as amended by Ord. 470, 9/14/1998]

1. Each application for a permit shall be considered by the same inspection officer. His decision with respect to issuing the said permit or denying the said permit shall be based upon the following standards:
    A. The standards and regulations of the Pennsylvania Department of Environmental Protection.
    B. The likelihood of the said sewage disposal system discharging waste into surface or subsurface water systems.
    C. The capability of the individual sewage disposal system to treat and purify sewage discharges.
    D. The soil conditions, including percolation, evaporation and any and all other soil conditions which might affect the sewage system.
    E. The available space for a suitable disposal system.

F. The availability of a public or private sewage disposal system in the vicinity.

§ 18-313. Proceedings.

[Ord. 304, 6/23/1975]

The Borough Council of Canton Borough shall have the power to institute in the Court of Common Pleas of Bradford County proceedings to restrain the violation of this Part.

§ 18-314. Penalties.

[Ord. 304, 6/23/1975]

Any person, firm or corporation who shall violate any provision of this Part or who resists or interferes with any officer, agent or employee, in accordance with the provisions of this Part, shall, upon conviction thereof, be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

§ 18-315. Enactment.

[Ord. 304, 6/23/1975]

This Part is enacted under the provisions of the Borough Code, Act of February 1, 1966, P.L. (1965) No. 581, Section 1202(8) and (17).

PART 4. CANTON BOROUGH AUTHORITY RATES, RULES AND REGULATIONS

[1] *Editor's Note: The following rules and regulations of the Canton Borough Authority are codified here for convenience of reference. The rules and regulations were adopted by the Canton Borough Authority by resolution effective January 1, 1986.*

§ 18-401. Definitions.

[Authority Res. 1/1/1986]

As used or referred to in these rates, rules and regulations, unless a different meaning clearly appears from the context:

AUTHORITY
The Canton Borough Authority.

B.O.D. - (BIOCHEMICAL OXYGEN DEMAND)
The quantity of oxygen expressed in parts per million (ppm) by weight utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C.

COMMERCIAL ESTABLISHMENT
Any improved property used wholly or in part for the sale and distribution of any product, commodity, article or service.

CONNECTION
The pipeline or pipelines from the main or street sewer in any public highway, street, land, alley or right-of-way held by the Authority to the building line and include both service laterals and house connections.

HOUSE CONNECTION
That part of the sewer line from the service lateral to the outer wall of the building to be served.

INDUSTRIAL ESTABLISHMENT
Any improved property used wholly or in part for the manufacturing, processing, clearing, laundering or assembling of any product, commodity or article.

INDUSTRIAL WASTES
Any solid, liquid or gaseous substance or form of energy ejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources as distinct from sanitary sewage.

OCCUPIED BUILDING
Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings and animals and from which sewage and industrial waste, or either thereof, is or may be discharged.

OWNER
Individuals or natural persons, artificial persons existing only in contemplation of law and shall be construed to include associations, partnerships, limited partnerships, joint stock companies, corporations and bodies politic and corporate.

pH
The logarithm or the reciprocal of the hydrogenous concentration expressed in moles per liter and indicates the degree of acidity or alkalinity of a substance.

PREMISES ACCESSIBLE TO THE SEWER SYSTEM
Real estate which adjoins, abuts on or is adjacent to the sewer system upon which an occupied building has been or is being erected within 150 feet of the sewer system.

SERVICE LATERAL
That part of the sewer line from the sewer system to the curb line or to the property line if there is no curb.

SEWER RENTAL
That monthly charge for sewer service or standby sewer service.

SEWER SYSTEM
The sewer mains, service laterals and other facilities that have been acquired by or constructed by the Authority and are under its supervision.

SEWER UNIT
One or more buildings or parts thereof defined and limited to accord with one of the following classifications, whichever applies:

1. A building under one roof and occupied by one family or business.
2. A combination of buildings in one common enclosure occupied by one family or business.
3. One side of a double house having a solid vertical partition wall occupied by one family or business.
4. One side or part of a house occupied by one family or business even though plumbing fixtures be used in common.
5. Each apartment in a building having a number of apartments or businesses.
6. Each apartment in a building having more than one apartment.

SEWER USER or CUSTOMER
The owner of a sewer unit as hereinafter classified, receiving or contracting for sewer service.

1. **SEWER SERVICE**
   The use of the sewer system for disposal of wastewater.
2. **STANDBY SEWER SERVICE**
   Providing the availability of sewer system facilities to the owner of one or more sewer units accessible to the sewer system but lacking sewer connections.

SUSPENDED SOLIDS
Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtration.

TOXIC SUBSTANCE
Any poisonous substance.

§ 18-402. Sewer System.

[Authority Res. 1/1/1970]

1. Application for Connection.

   A. Before any connection shall be made to the sewer system, an application for permission to connect to the collection system in an abutting street, lane, alley, public highway or right-of-way held by the Authority shall be made in writing by the owner to the Manager of the Canton Borough Authority. This application shall be made only in those cases where the owner is not connected with any housing development having sewer collection lines but is an individual owner.

   B. For any connection to the sewer system a tapping fee of $250 shall be paid by the owner to the Authority in addition to such other charges as the owner may incur for trenching, installation, highway permits and other costs.

      (1) Connection Notification. All owners of any occupied building now erected upon premises accessible to the sewer system shall, at their own expense, make the connection with the sewer system within two months after notification to do so has been delivered or mailed to the owner by the Authority. (See General Reg. 28-d.)

      (2) Future Building. All owners of any premises accessible to the sewer system upon which a building is hereafter erected shall, at the time of the erection of such building and at their own expense, make the connection with the sewer system.

      (3) Future Building Connections. All owners of any occupied building upon premises which hereafter becomes accessible to the sewer system shall, at their own expense, make the connection with the sewer system within two months after to do so from the Authority.

      (4) Exception. Upon application by the owner to the Authority, the Manager may grant a reasonable extension of time for making sewer connections. However, charges for standby sewer service (not to exceed 90% of the applicable sewer rates) may not be rescinded beyond the original notice completion date without approval of the Board. (See § **18-403**, Subsection **2**.)

2. Housing or Industrial Developments. In cases where a builder or developer desires to install sewer mains, service laterals and house connections to every housing unit within a housing development prior to their individual sale, he may do so upon meeting all conditions as set forth in this subsection and in other Sections of these rates, rules and regulations. Plot plans for such a development must be submitted to the Authority for approval prior to any construction. Sewer plans conforming to all original specifications established by the Authority, a to type of pipe, location of mains, size of pipe, grades, methods of laying pipe and the type and construction of all necessary appurtenances will by prepared by the Authority Engineer and approval obtained from the necessary State agencies. The engineering fees and charges for permits will be paid by the builder or developer. In no case will lower standards that exit in the presently constructed sewer system and as outlined in these rates, rules and regulations be permitted for any future extensions. Upon approval of such plans by the Authority, the extensions may be constructed by and at the expense of the builder or developer, but only under the inspection of any inspector designated by the Authority and/or its engineers. The cost of such inspection, including salaries and expenses, shall be borne by the builder or developer making the extensions.

3. Observance of Rules and Regulations. No owner or tenant of any premises connected with the sewer lines of the Authority shall be allowed to permit another person or premises to use or connect with his service lateral except upon written permit from the Authority.

4. Separate House Connections. Unless written permission is obtained from the Authority, a separate house connection will be required for each individual building or house, whether constructed as a detached unit or as one of a pair or a row, but a single house connection will be permitted to serve a school, factory, an apartment house or other permanent multiple unit structure whose individual apartments or units may not be subject to separate ownership.

5. Common Waste System. A single house connection will be permitted to serve a double house in which the internal plumbing waste system is common to both houses or is not readily separable. In such a case, it will be necessary for each owner to make separate application and pay separate connection charges for the installation, and pay the prescribed sewer rentals for each property. In addition, it will be necessary for both property owners to sign an agreement relieving the Authority of any responsibility or obligation caused by or resulting from installation of a single house connection. The agreement shall provide that any disagreement between the two parties concerning the future maintenance of the common sewer will be sufficient cause for the Authority to require the installation of additional connections to the sewer main to provide individual service to both houses. The installation of such separate service lateral from the sewer main to the curb, as well as the new house connection from the curb to the property shall be made at the joint expense of the property owners signing the agreement.

6. No Work Performed Without Permission. No person, firm or corporation may perform plumbing work on any facility which is to be connected directly or indirectly into the sanitary sewer system without first obtaining permission from the Manager of the Authority or his authorized representative. Such permission will be granted only to persons, firms or corporations who have demonstrated by past performance to the satisfaction of the Authority that they are qualified and capable of performing plumbing work in accordance with good plumbing practice. All connections made to the system must be inspected by the Engineer or the Sewer Manager or their respective representatives prior to backfilling or covering the work. Work must be installed in accordance with Authority specifications and work failing to meet these standards must be replaced before connection to the sewer system will be allowed.

7. Building Sewers and Connections.

    A. Where an improved property, at any time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device, and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

    B. If any part of a sewer connection is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the sewer.

    C. Every sewer connection of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

    D. Every excavation for a sewer or sewer connection shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a sewer or sewer connection shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Authority.

    E. If any person shall fail or refuse, upon receipt of a notice of the Authority, in writing to remedy any unsatisfactory condition with respect to a sewer or sewer connection, the Authority may refuse to permit such person to discharge sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority.

8. Service Laterals During Initial Construction. Service laterals installed during the period of initial construction to serve existing improved properties shall be constructed by the Authority. Laterals will not be installed to vacant lots or points other than to serve existing buildings or improved properties under construction which will be completed prior to placing the sewer system in service. If any owner of vacant or unimproved property abutting the sewer system as constructed contemplates the construction in the future of buildings abutting constructed sewers and desires to have the service lateral installed during the period of initial construction of the sewer system, he must make application to the Authority for such permission. If such permission is granted, the cost of the service lateral, as established by the Authority, will be borne by the property owner.

    A. Grinder Pumps. In the case of a property where sewer service is required and where gravity service cannot be provided because the property is too low in respect to the grade of the sewage collection system, the Authority will install a grinder pump to provide sewer service to that property. The property owner will be required to provide the Authority with a right-of-way sufficient for the installation and maintenance of the grinder pump and other necessary facilities including the discharge pipe from the grinder pump pit to the Authority's sewer collection system. The Authority will be responsible for the necessary maintenance of the grinder pump. The property owner will be responsible for the cost of material and labor needed to install the lateral from the grinder pump pit to the building to be connected to the sewer system and for the power line to serve the grinder pump. The property owner will also be responsible for providing the electricity to operate the grinder pump. After the construction of the sewer system, or operational additions thereto have been completed, the cost of the grinder pump, the pump pit, the pressure pipe and the installation thereof shall be at the expense o the property owner.

9. Service Laterals. After construction of the sewer system, or operational additions thereto have been completed, the service laterals shall be constructed from the main sewer to the property line by the Authority at the expense of the property owner, and upon installation shall remain the property of the Authority. The house connection from the property line to the building shall be installed by the property owner at his own expense.

10. Service Connection and Line.

    A. The Authority or their duly authorized representatives will make all connections to the sewer mains and shall provide for the furnishing, installation and maintenance of all service lines from the sewer main to the right-of-way line. All service lines from the right-of-way line to the structure to be served shall be installed

by the owner or person to be served at his expense and shall be of a pipe approved by the Authority. No service connection facility between the right-of-way line and the structure to be served shall be covered up in the process of installation until inspected and approved by the Authority or its duly authorized representative.

B. No sewer service line shall be laid in the same trench with gas lines, water lines or any other facilities of a public service company. The size of a service connection from the sewer main to the right-of-way line will be a minimum diameter of six inches, and the service connection from the right-of-way line to the structure to be served will have a minimum inside diameter of four inches. Only persons properly authorized by the Authority shall be permitted to make service line connection installations. The Authority shall not be responsible for the maintenance of any service line or any other line, pipe or fixture from the right-of-way line to the structure to be served. The owner and any other person being served at all times shall comply with all Federal, State and municipal regulations.

(1) Pipe. The following three types of pipes are approved pipe material for sewer mains and/or service connections:

(a) Vitrified Clay Sewer Pipe. Shall conform to ASTM C700 and NCPI ER-4-67 for extra strength clay pipe. All joints shall be "O" ring joints conforming to ASTM C-425, Type III.

(b) Polyvinyl Sewer Pipe. Shall conform to ASTM D-03034 (SDR 35) and type PSM Polyvinyl Chloride (PVC) sleeve and two rubber gaskets.

(c) Ductile Iron Pipe. Shall conform to ANSI A21.51, class 51 for four inch pipe and class 50 for six inch pipe. Joints shall conform to ANSI A-21.11, and may be either mechanical joint or push-on joint. Rubber gaskets, lubricants, glands, bolts and nuts shall conform to ANSI A21-11.

(2) Laying Pipe in Trenches. All pipes shall be installed with a minimum slope of 1/8 inch per foot and a minimum cover of 2 1/2 feet unless otherwise approved. Pipe shall be laid to an even grade and straight alignment to the sewer main.

(3) Existing House Connections. Existing house connections may be utilized providing they are inspected by the engineer or the Sewer Manager or his representatives and found to be reasonable true to grade and alignment, in good condition for the purpose of conveying sanitary wastes and have reasonable tight joints of approved materials. If the existing lines do not conform to this requirement, a new line must be laid in accordance with the specifications.

(4) Bedding Requirements.

(a) All types of pipe should be bedded with five inches of sand or modified material, and backfilled with either sand or modified material that is thoroughly compacted to a depth of at least 12 inches above the top of the pipe.

(b) Modified material shall conform to ASTM C-33, size 67, crushed aggregate or Type INS of Table B, Section 703.3(c) of the Pennsylvania Department of Transportation's Form 408 specifications.

(5) Backfilling Trenches.

(a) After the pipe has been installed, jointed, inspected and tested, the trench shall be backfilled.

(b) Backfill material shall be the material removed from the trench with the exception that no organic material or rock larger than eight inches shall be included in the backfill.

(6) Clay Dikes.

(a) A one-foot thick clay dike shall be constructed in the service line trench at the end of the Authority lateral and the beginning of the user's line.

(b) Compacted clay dikes shall extend vertically from undisturbed ground at bottom of trench to within two feet of final grade and from undisturbed ground on trench sides for full width of trench.

(c) Each clay dike shall consist of clay containing no more than 15% (by volume) stone not larger than two inches in diameter. Clay shall be placed in six inch lifts and compacted by mechanical tamper.

(7) Service Line Testing.

(a) The Authority reserves the right to require air testing for service lines. The procedure for air testing is as follows:

1) Low Pressure Air Tests. The contractor shall test each service line using low pressure air. The pipe shall be considered acceptable if the air loss rate does not exceed 0.0030 cubic feet per minute per square foot of internal pipe surface when tested at an average pressure of 3.0 psi. greater than the average back pressure exerted by the groundwater of the backfilled pipeline. The time for the air pressure to decrease 1.0 psig. from 3.5 to 2.5 psi. greater than the average groundwater back pressure shall not be less than the time indicated in the following list. If these rates of leakage are exceeded, the contractor shall, at his expense, determine the source of leakage and make all necessary corrections and retest.

a) Four inch pipe dia. - 2 min., 00 sec.

b) Six inch pipe dia. - 2 min., 55 sec.

c) Eight inch pipe dia. 3 min., 57 sec.

d) Ten inch pipe dia. - 4 min., 43 sec.

e) Twelve inch pipe dia. - 5 min., 40 sec.

2) A minimum period of two minutes shall be provided to allow equilibrium of the air temperature with pipe wall before test readings shall commence. In areas of high groundwater conditions, the contractor shall determine the height of the groundwater above the pipe by piezometric tube or other approved method.

3) The contractor shall submit to the Authority for approval the test procedure and list of test equipment he proposes to use prior to testing.

11. Repairs, Alteration and Additions. No repairs, alterations or additions to any sewer lateral or sewer connection with the sewer system shall be made unless the person desiring to make the same shall first make application to and receive permission from the Authority for doing so. No plumber shall do any work on such lateral or connection until the property owner has exhibited to the plumber the permit for such work, which permit must then be signed and dated by the plumber to indicate his having seen it. Any permit so issued will be valid for a period not to exceed 90 days.

12. Connections Through Private Property. Connections with sewers, where same are run through private property, shall in all respects be governed by these rates, rules and regulations.

13. Unauthorized Connections. No roof drainage, cellar surface water, waste from fire hydrants or groundwater from underground drainage fields shall be admitted or be permitted to drain into, or be pumped into, the sewer system. The sewerage system is intended to convey sanitary sewage only. Exclusion from the sewer system of noncontaminated wastewaters and waters used solely for cooling purposes may be required by the Authority.

A. Exception. Storm drainage from pubic highways provided with suitable catch basins will be excepted from the above rule in areas covered by the existing combination storm and sanitary collection system.

14. Disconnection of Service Laterals. The Sewer Manager shall have the right to close up or disconnect from the sewer system any service lateral or house connection used for carrying rainwater, cellar drainage, surface water, groundwater or objectional matter or whenever any violations of these rules and regulations are committed. Disconnection of the water supply is required for nonpayment of sewer rentals, as established by Act 147, Session of 1955, of the Legislature of the Commonwealth of Pennsylvania.

15. Prohibited Wastes.

A. No user shall discharge or shall cause to be discharged into any sewer or the sewer system any wastes containing concentrations of chemical substances in excess of the following:

Phenol Compounds	(CM)	1 ppm
Cyanides	(CNO)	1 ppm
Cyanates	(FE)	10 ppm
Iron	(FE)	5 ppm
Trivalent Chromium	(CR)	3 ppm

Hexavalent	(CR)	0.5 ppm
Nickel	(MI)	3 ppm
Copper	(CU)	2 ppm
Zinc	(ZN)	2 ppm

B. Wastes discharged into any sewer or the sewer system containing such excessive quantities of the aforesaid chemicals shall be refused entry into any sewer and the sewer system until such wastes shall have been pretreated to bring the same within allowable limits prescribed above, such pretreatment to be provided at the expense of the user.

C. Plans, specifications and other pertinent information relating to such proposed pretreatment of wastes shall be submitted to the Authority for approval and no construction of pretreatment facilities shall be commenced until approval is obtained, in writing, from the Authority.

D. No user shall discharge or shall cause to be discharged into any sewer or the sewer system the following described wastes or waters:

(1) Any liquid or vapor having a temperature higher than 150° F.

(2) Any water or waste material containing more than 100 ppm by weight of fats, oil or grease.

(3) Gasoline, benzine, naphtha, fuel oil or any other liquid, solids or gases which, by reason of their nature or quality, may cause fire or explosion or otherwise shall or may be injurious to any person or to any sewer or to the sewer system or to the operation of the sewer system.

(4) Any garbage not shredded to such degree that all particles will be carried freely under normal sewer flow conditions and with no particle greater than 1/2 inch in diameter.

(5) Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into any part of the sewer system for maintenance and repair.

(6) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, bones, feathers, tires, plastic, wood, paunch manure, butchers offal or any other solids or viscous substance capable of causing obstruction to the flow in any sewer or other interference with the proper operation of the sewer system.

(7) Any water or waste having any corrosive property capable of causing damage or hazards to structures, equipment or personnel.

(8) Any water or waste containing any toxic substance in quantities sufficient to interfere with biochemical processes of the sewage treatment plant, or that will pass through the sewage treatment plant and will exceed the State or interstate requirements for the receiving streams.

(9) Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(10) Any toxic, radioactive isotopes without special permit.

16. Use of Sewers by Industry. The Authority reserves the right to refuse connections to the sewer system or to compel discontinuance of use of a sewer or to compel pretreatment of industrial waste by an industry in order to prevent discharge to the sewer deemed to be harmful to the sewage system or sewage treatment plant or to have a deleterious effect on the sewage treatment or sludge handling processes. The industrial waste of any user discharging the same into the sewer system shall be subject to periodic inspection and determination of the character and concentration of said industrial wastes. Such determination shall be submitted to the Authority.

17. Leaks, Stoppage and/or Defective Plumbing. The Authority shall not be liable for any damage or expense resulting from leaks, stoppage or defective plumbing or from any other cause occurring to any premise or within any house or building; and it is expressly stipulated by and between the Authority and the customer that no claims shall be made against said Authority on account of the breaking or stopping of or any damage or expense to any lateral or house connection when the cause thereof is found to be in the lateral or house connection.

18. Control of Service. The Authority shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or failure from any cause beyond control. The Authority reserves the right to

restrict the use of sewer service whenever the public welfare may require it.

19. Vacating Premises. When the premises are vacated, the property owner must give notice, in writing, to the office of the Authority, or he will be responsible for the sewage charge until such notice is given.

    A. Temporary Vacancy. Rule 21 (b) of the General Rules and Regulations governing water service shall also apply to sewer service.

20. Notice of Change of Ownership. Each property owner must give the Sewer Manager, or his representative, written notice of any change of ownership of any improved property.

21. Bills and Payment. All bills for sewer service or standby service are payable at the office of the Authority as provided in the General Rules and Regulations.

22. Bills Rendered and Due.

    A. Bills will be rendered monthly on the first day of each month.

    B. The sewer rentals and/or other charges hereby imposed shall be a lien on the improved property connected to, or served by, the sewer system, and all delinquent bills for sewer rentals or charges hereby imposed shall be entered as a lien against the property so connected to or served by the sewer system, which lien shall be filed in the office of the Prothonotary of Bradford County, Pennsylvania, in the manner provided by law for the filing and collecting of municipal claims.

23. Abatement from Bills. Any property owner desiring an abatement from sewage bills shall report same in writing or call in person at the office of the Authority. All vacancies shall date from the day reported at the office of the Authority. When vacancy is properly reported, an allowance will be made for the vacancy in accordance with Water Regulation 21.

24. Privilege to Investigate. The Authority by its duly authorized agent or agents shall have the right of access at all reasonable times to all parts of the premises connected with the system for the purpose of examining and inspecting the connections and fixtures or for disconnecting service for any proper cause.

25. Exceptions and Interpretations. Any person or persons who desire to take exception to any provisions of these Rules and Regulations sill present their exception, in writing, to the Sewer Manager. He will study the petition for exception and present it with his recommendations to the Authority Board for their decision.

26. Interpretation. Any person or persons who desire interpretation of any portion of these Rules and Regulations may request such interpretation from the Sewer Manager. If his interpretation does not satisfy the person raising the question, that person will present his request for interpretation, in writing, to the Sewer Manager who will study the request and present it with his recommendations to the Authority for their decision.

§ 18-403. Rates and Charges.

[Authority Res. 1/1/1970]

1. Charges for sewer service shall be determined by water meter registration and in accordance with the regulations and tariffs on file in the office of the Authority and published in Appendix "A"[1] of the General Rules and Regulations except as provided for in Subsections **2**, **3** and **4**.
   [1] *Editor's Note: Appendix A is on file in the Authority office.*

2. Determination of Flat Rate Billing Charges.

    A. Flat rate billings is provided only for sewer customers who are not provided by water service from the Canton Borough Authority.

    B. The flat rate charge is to be determined from the average charge incurred by the residential and quarterly billing commercial customers who are provided with water service by the Canton Borough Authority. The flat rate charge will be recomputed each time a service rate increase is adopted by the Canton Borough Authority, and the average upon which it is computed will be reviewed at least once each year.

    C. In occupied buildings consisting of more than one dwelling unit, the flat rate billing charge shall apply to each dwelling unit.

3. Sewer Customers not Provided Water Service by the Canton Borough Authority.

A. Sewer customers not provided with water service by the Canton Borough Authority may elect to be charged for sewer service by one of two methods. The methods are:

(1) Flat rate billing.

(2) Billing based on gallons of water used.

B. In the absence of specified election by the customer, the flat rate billing method will apply.

C. If the customer desires to be charged by the per gallon method, the customer will be responsible for providing the water meter required to measure the per gallon usage. The customer is also responsible for the cost of any remove meter reading device as well as all changes to the customer's plumbing that are required for the installation of the water meter.

D. All water meters to be installed by the customer must meet the approval of the Canton Borough Authority, and all related plumbing must also meet the approval of the Canton Borough Authority.

E. In the event a customer who has previously elected the per gallon method of billing subsequently elects to return to the flat rate method of billing the Canton Borough Authority will be under no obligation to purchase the used water meter from the customer.

F. However, the Authority may require the installation of a meter on a private water supply or on any other water supply which is not otherwise metered to determine the usage of water in order to apply metered sewage rates to any property served by the Authority sewer system. If so required, the meter may be supplied by the owner as provided for in Subsection **3C** above or, at the option of the Authority, the meter may be supplied by the Authority with a monthly rental charge being assessed at a rate determined by the Authority.

4. Exclusion of Charges for Water not Placed in the Sewer.

A. Sewer customers provided with water service by the Canton Borough Authority and sewer customers not provided with water service by the Canton Borough Authority and who have elected to be billed for sewer service by the per gallon method may desire to have water that is not placed in the sewer excluded from the sewer charge.

B. If the customer desires to have any water used to be excluded from the sewer charges, the customer must have an exclusion meter installed.

C. If the customer desires an exclusion meter, the customer will be responsible for providing the exclusion meter. The customer is also responsible for the cost of any remove reading device as well as all changes to the customer's plumbing that are required for the installation of the exclusion meter.

D. All water meters to be installed as exclusion meters must meet the approval of the Canton Borough Authority, and all related plumbing must also meet the approval of the Canton Borough Authority.

E. In the event a customer who has previously elected to install an exclusion meter subsequently elects to discontinue the use of the meter, the Canton Borough Authority will be under no obligation to purchase the used water meter from the customer.

F. The Authority reserves the right to test for accuracy any meter provided by a sewer user.

G. The cost of repair to any meter provided by a sewer user shall be the responsibility of the sewer user.

5. Charges for Standby Sewer Service. Shall be computed and billed in the same manner a connected sewer service. However, such charges shall be limited to 90% of the corresponding charges for connected sewer service and shall only apply to standby service following the original notice completion date as provided in § **18-402**, Subsection **1B**.

§ 18-404. Changing Rules.

[Authority Res. 1/1/1970]

The Authority reserves the right to change or amend, from time to time, those rates, rules and regulations in accordance with the law.

§ 18-405. Rules Cannot be Varied.

[Authority Res. 1/1/1970]

No officer or employee of the Authority can vary these Rates, Rules and Regulations without action of the members of the Authority Governing Board, and no agent or employee of the Authority can bind it by any agreement or representation except when authorized in writing to do so by any executive officer of the Authority.

Chapter 19. Signs and Billboards

(Reserved)

Chapter 20. Solid Waste

PART 1. SOLID WASTE DISPOSAL REGULATIONS

§ 20-101. Definitions.

[Ord. 355, 12/1/1980; as amended by Ord. 470, 9/14/1998]

The following words and terms, as used in this Part, shall have the meanings hereby ascribed thereto unless the context clearly indicates a different meaning:

COMBUSTIBLE REFUSE
All paper, straw, excelsior, wood products and such other refuse as may result form ordinary housekeeping or commercial pursuits and which may be burned by fire.

DECAYING MATTER
Refer to Ord. 96, 8/2/1911, "Public Nuisances." [Chapter **10**, Part **4**]

GARBAGE
All table refuse, animal and vegetable matter, offal from meat, fish and fowls, vegetables and fruits and parts thereof and other articles and materials ordinarily used for food and which have become unfit for such use or which are for any reason discarded.

INCOMBUSTIBLE REFUSE
All discarded articles or materials except sewage, liquid waste, garbage and combustible refuse.

PERSON
Any natural person, association, partnership, firm or corporation.

REFUSE
All combustible refuse and incombustible refuse referred to collectively.
In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 20-102. Preparation and Collection.

[Ord. 355, 12/1/1980]

1. Containers for garbage and/or refuse shall be of a sufficient number and capacity for normal needs between the intervals of collections. Garbage shall be in a suitable container, each of which can be handled by one person. Refuse shall be packaged in such condition that it will not be disseminated by wind or otherwise while awaiting collection.

2. No garbage or refuse shall be allowed to accumulate on the ground nor deposited on highways, vacant lots or commons nor thrown into any stream or other body of water.

3. Garbage and/or refuse shall be collected from premises between the hours of sunrise and sunset; containers shall be emptied in a manner so as not to foul the premises nor streets.

§ 20-103. Disposal and Awarding of Contract.

[Ord. 355, 12/1/1980; as amended by Ord. 470, 9/14/1998]

1. No person, except for a contractor with a current residential garbage contract with the Borough shall collect garbage or refuse from any other person; hauling garbage or refuse from any other person within the Borough of Canton or from any point within such Borough to any place or location outside the Borough limits; provided, any person may haul his own garbage or refuse to an authorized facility having first provided himself with a proper conveyance and container in which garbage and refuse can be conveyed in such a manner as not to be a source of annoyance or unpleasant odors and so as not to leak, drip or be scattered upon any of the streets or alleys of the Borough.

2. The contract for the nonexclusive right to collect refuse from other persons in the Borough and for the conveyance thereof shall be awarded to a contractor for such period of time as shall be determined by the borough Council to a competent and financially responsible person. Such contracts shall fix and regulate, in a manner not inconsistent with the terms of this part, as Council shall direct, the prices to be charged by such contractor to such customers and the manner, method and time of collecting refuse and garbage.

§ 20-104. Penalties.

[Ord. 355, 12/1/1980; as amended by Ord. 470, 9/14/1998]

Any person, firm or corporation who shall violate any provision of this part shall, upon conviction thereof, be sentenced to pay a fine not more than $1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day on which a violation of this Part shall continue shall constitute a separate offense.

Chapter 21. Streets and Sidewalks

ATTACHMENTS
Attachment 1 - Street Excavation Notice of Construction

PART 1. SIDEWALK INSTALLATION, MAINTENANCE AND PROJECTIONS

§ 21-101. Sidewalk Installation.

[Ord. 609, 9/12/2022]

1. Requirements. All sidewalks that are installed in the Borough of Canton must comply with the following requirements:

   A. The party installing the sidewalks must provide all labor and materials for curbing and sidewalks as required.

   B. Concrete for curbs and sidewalks to be 3,000 pound test concrete, four inches thick for sidewalks and six inches thick under driveways.

   C. Gravel under sidewalks to be three inches thick of 2B crushed stone.

   D. The excavation for curbing and sidewalks is the responsibility of the party installing the sidewalks.

   E. The party installing the sidewalks must provide handicapped ramps at all intersections as required by any Federal, State or local laws or regulations.

   F. All sidewalks must be a minimum of four feet zero inches.

   G. All sidewalks and curbs to have tooled edges and joints. Party installing the sidewalks must provide broom finish after proper troweling and edging.

H. All exposed curbs to have rubbed finish and maximum length of curb joints to be eight inches zero inches with expansion joint at 30 feet.

I. Party installing sidewalks must restore all lawn areas after removing forms.

J. Party installing sidewalks must provide proper barricades and protection of construction area.

K. Slate sidewalks are allowed, and their installations are exempt from Subsections **1B**, **G** and **H** of this Section. Slate walks must meet all other requirements.

L. No blacktopped sidewalks are allowed in Canton Borough except for the area where a blacktopped driveway crosses a sidewalk to access the street or road.

2. Responsible Party. The party owning the property where the sidewalk is installed will be the party who is responsible for the compliance with this Part.

3. Permit Required. The party owning the property where the sidewalk is to be installed must contact the Secretary of the Canton Borough Council or the Zoning Officer to obtain a permit before installing the sidewalk and pay a fee in an amount as established, from time to time, by resolution of the Borough Council.

4. Penalties. Any person who shall violate any provision of this Part, upon conviction thereof, shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

§ 21-102. Maintenance of Sidewalks and Curbs.

[Ord. 609, 9/12/2022]

1. Compliance Required. The owner or owners of any lot or lots in the Borough of Canton with sidewalks in the public right-of-way shall maintain such in a safe and passable condition, free of tripping hazards and obstructions. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions which make them unsafe or impassable to pedestrians.

2. Maintenance Obligation. The obligation of maintenance shall include, but not be limited to:

A. Repair of holes and repair of cracks having a width in excess of 1/2 inch at any one point along a length of one foot or greater.

B. Maintenance of a Constant Grade.

(1) Repair shall be made when one or more sections of the sidewalk rise above or drop below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than 1/2 inch in depth.

(2) Repair shall be made when the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of 3/4 inch.

(3) Repair shall be made when the curb is out of horizontal alignment with the adjacent curb in excess of 1/2 inch.

C. Replacing any existing sidewalks or section of sidewalk that has been removed.

D. Repair of any section of sidewalk that has spalling on 25% or more of its surface.

E. The removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits or any other refuse on such sidewalk or projecting branches and other obstructions below six feet, eight inches above the sidewalk. The property owner shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner, his tenants, anyone acting under his direction, control, license or any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal of such items onto Borough streets or State highways is prohibited.

F. Repair of any other instance which may create a pedestrian safety hazard as determined by the Borough Code Enforcement Officer.

3. Annual Inspection. Once each year the Borough Code Enforcement Officer, with assistance from the Borough Street Committee, shall inspect all sidewalks and curbing in the Borough of Canton. Within 30 days of his/her inspection, he/she shall forward a report to the Borough Administrator containing a list of those properties not in compliance with the requirements of this Part. The report shall include a brief description of each noncompliance and shall specify the required repairs.

4. Property Owner to Repair; Time Frame. Every owner of property in the Borough of Canton shall, on 60 days' notice, repair the sidewalk or curbing, or both, in the manner stipulated in such notice, in front of or alongside such property. If the 60 days concludes after November 15 then said repairs shall be made on or before April 30 of the following year of said notice. However, where a condition exists of an emergency nature, such repairs shall be made within 96 hours of said notice.

5. Construction and Repair on Initiative of Property Owners. Any property owner, upon his own initiative and without notice from any Borough authority, may repair a sidewalk or curbing along his property; provided, that such owner shall have obtained the permit specified in this Part and shall do such repairs in accordance with the requirements of this Part.

6. Maintenance Specifications. All repairs or other maintenance required in Subsection **2A**, **B**, **C** or **E** of this Section shall be performed in accordance with the specifications set forth in § **21-101** of this Part, Sidewalk Installation.

7. Permit Required. A permit shall be obtained from the Borough Code Enforcement Officer before doing any repairs or maintenance required in Subsection **2A**, **B**, **C** or **E** of this Section. Application for the permit shall be made in accordance with the following rules and regulations:

   A. The applicant shall submit one copy of the application and the information requested on the form of application to the Borough Office.

   B. An application fee, in accordance with the fee schedule as approved by the Borough Council and on file in the Borough Office, shall be submitted with the application to the Borough Office.

   The Borough Code Enforcement Officer shall inspect the work to determine the degree of compliance to the regulations governing the work.

8. Borough to Act at Expense of Property Owner. Upon failure of any owner of property in the Borough of Canton to repair any curb or sidewalk after notice has been given in accordance with this Part, the Borough may cause the necessary repairs to be done at the expense of said owner and may collect the cost thereof and all additional charges, expenses and penalties as authorized by Section 1805 of the Borough Code of 1966, P.L. (1965).

9. Violations and Penalties. Any person who violates any of the provisions of this Part shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

§ 21-103. Projections Over Streets and Sidewalks.

[Ord. 609, 9/12/2022]

1. Required Height. From and after the enactment of this Part it shall be unlawful for any person or persons, association, joint stock company, partnership or corporation to erect, construct or maintain any awning or porch roof extending or projecting over or above the side or footwalk or any part of the cartway of any street or alley within the Borough of Canton, unless the said awning or porch roof and every part thereof shall be at least eight feet above the said side or footwalk or the cartway of said streets or alleys.

2. Existing Awnings. All awnings and porch roofs nonconforming at the time of the adoption of the ordinance codified in this Part are grandfathered. If awnings and porch roofs of said protected/grandfathered buildings are to be repaired or replaced they shall be repaired or replaced to their original state as of the date of the ordinance codified in this Part.

3. Penalties. Any person or persons, association or joint stock company, partnership or corporation shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

PART 2. (RESERVED)

PART 3. STREET OPENING AND EXCAVATION

§ 21-301. Short Title.

[Ord. No. 2023-611, 2/13/2023[1]]

This document is a street opening and excavation ordinance and shall be known and cited as the "Borough of Canton Street Opening and Excavation Ordinance."

[1] *Editor's Note: This ordinance also repealed former Part 3, Street Opening and Excavation adopted by Ord. No. 577, adopted 1/8/2015.*

§ 21-302. Definitions.

[Ord. No. 2023-611, 2/13/2023]

1. As used in this Part **3**, the following terms shall have the meanings indicated:

   APPLICANT
   The contractor performing excavation work in the street, alley, public right-of-way, Borough parking lot, or a paved area on Borough property.

   BOROUGH STREET
   Any public street, avenue, road, square, alley, highway, sidewalk or other public place located in and owned, controlled or maintained by the Borough and established for the use of vehicles, but shall not include state highways.

   EXCAVATION
   Any activity within the right-of-way of any street, alley or other public way or right-of-way which involves cutting, breaking or disturbing the surface thereof. In this Part, the term "opening" shall have essentially the same meaning as excavation.

   PERSON
   Any natural person, partnership, firm, association, corporation or municipal authority.

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

§ 21-303. Permit Required; Expiration; Extensions; Fees; Payment.

[Ord. No. 2023-611, 2/13/2023]

1. Any cutting or opening of the surface of any street, alley, Borough parking lot, or a paved area on Borough property or other public way or right-of-way owned, controlled or maintained by the Borough of Canton (hereinafter referred to as "Borough street") is prohibited unless a permit is obtained for that purpose in the manner hereinafter described. Such permit shall only be granted when the applicant files an application on a form approved by the Borough, pays the required fees, posts security, as may be required, and otherwise complies with all other terms and conditions set forth herein.

2. Street cut permits will be valid for up to six months from the date of issue. All permitted work shall be completed within those six months.

3. If any permittee is unable to complete the street opening or excavation on or before the date specified in the permit, the permittee must file a written application for an extension of time with the Borough on the forms prescribed by Canton Borough. Said application shall set forth the original permit number, expiration date, reasons for the request for the extension of time and shall contain an estimate of the additional time required to complete the project. A time-extension permit supplement may be issued to extend the completion time an additional six months. The cost for each extension permit will be set by Borough resolution.

A. For private permittees, when a permit reaches the six-month expiration date and the work has not been completed and accepted by the Borough Street Supervisor or designated representative, the bonding company will be notified and no further permits will be issued until this matter has been corrected.

B. In the case of a public utility company, an extension will be issued automatically and the required fee will be added to the monthly invoice. All permit fees are levied in accordance with the fees as set forth by Borough resolution.

4. Street opening fees will be established by a separate resolution of the Borough Council. The Borough Council reserves the right to review the fee schedule from time to time and amend the same by resolution of Council. All such additional fees assessed by the Borough Council must be paid by the applicant within 30 days of its receipt of notice of the assessed fees.

5. Prior to the issuance of such permit, every applicant shall pay to the Borough the amount required for the purposes specified. Permit is invalid until it is paid in full by check or money order, payable to the Borough Treasurer along with the submission of the completed permit application or within 30 days of monthly invoice date if applicable.

6. No permit shall be granted to any applicant unless all moneys due the Borough for prior excavations made or for loss, damages or expenses in any manner occasioned by or arising from prior work done by the applicant are paid in full.

7. Street opening permits are not required for the installation or replacement of a sidewalk or curb, provided that a sidewalk permit has been obtained and provided that such installation in no way affects the street surface.

8. Street opening permits shall not be required for work performed by Canton Borough or by a party performing work under contract with the Borough. At the discretion of the Borough Council, permit fees may be waived for contractors performing work on behalf of the Borough of Canton. Such contractors are required to apply for a street opening permit, and to post a bond or other security, as set forth herein, or in accordance with the terms or conditions of any contract between the contractor and the Borough.

9. The Borough office or the Borough's Street Supervisor must be notified within 24 hours of any street opening or excavation necessitated by an emergency. A party performing such emergency street opening must apply for the street opening or excavation permit, in accordance with this Part, on the first business day following such emergency. Any party who commences any emergency street opening or excavation will be deemed to have impliedly consented to all of the provisions of this Part, including, but not limited to, those provisions dealing with fees, security and backfilling. In addition to the penalties set forth in § **21-324**, Violations and Penalties, herein, as well as any and all remedies for penalties provided by law, the Borough Street Supervisor is authorized to order the immediate cessation of any opening or excavation activity and the immediate repair and replacement of the surface to its original condition if the notice and application provisions set forth above are not complied with.

10. All private utilities installed on Borough of Canton (Borough) property or within a Borough right-of-way shall be completed only at the risk of the owner. The Borough will not issue an easement for placement of said utilities on their property or within their rights-of-way and therefore, can require these utilities be relocated at any time.

11. All work completed in the Borough rights-of-way shall obtain a street opening permit, provide the necessary insurance requirements, provide detailed engineering drawings, and complete as-built documentation, etc.

§ 21-304. Permit Application.

[Ord. No. 2023-611, 2/13/2023]

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

A. Prior to submission of the street opening permit, the applicant or their engineer shall hold a pre-design meeting with the Borough of Canton if the project encompasses more than a single street address installation.

B. A written application, on a form approved by Canton Borough, shall be filed with the office of the Borough Secretary. The application shall indicate:

(1) The property street address, location and description of the area for which such cut or opening is to be made;

(2) The name and address of the applicant;

(3) The dimensions;

(4) A drawing or plan of the proposed opening or excavation;

(5) The purpose of the proposed cut or opening;

(6) The estimated cost of the entire project (the Borough shall have the right to require production of written verifications of such cost as may be appropriate);

(7) The approximate time required to complete the work (anticipated commencement and completion dates); and

(8) A copy of an approved work zone traffic control plan in accordance with PennDOT Publication 203 and amendments.

C. The written application shall contain a provision in which the applicant agrees to indemnify and hold harmless the Borough, its officers, employees and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue arising out of any work.

D. To avoid work delays, if the application is a single address installation, the application should be submitted two weeks in advance of the anticipated date work is to commence. However, if it is an application to provide utility installation for more than one address, planning should include time to submit the required documentation and for the Borough to review the same. This could take as much as three or four months dependent on the complexity of the project.

E. The Borough reserves the right to complete an independent review of all proposed private utility installations on Borough property or within its rights-of-way. This review may consist of securing a third-party reviewing agency. All costs associated with completing these reviews shall be paid for by the owner of the proposed utility.

F. If an application is denied, written notice of denial, together with reasons for denial, shall be given to the applicant.

§ 21-305. Bond Conditions; Certificate of Insurance.

[Ord. No. 2023-611, 2/13/2023]

1. A contractor performing the actual work of opening the street and making excavations, backfill and repairs, as hereinabove provided, shall be required to furnish to the Borough of Canton, in the amount of $10,000, a ten-year maintenance bond. Said bond shall be a surety bond issued by a bonding company acceptable to and subject to the approval of the Canton Borough Council, the condition of said bond being that work performed under street opening permits shall be consistent with requirements of this Part or up to the amount listed therein shall be forfeited to the Borough of Canton. The amount forfeited shall be the cost of correcting any deficiency in workmanship of the permit holder.

2. Whenever any public utility or municipal authority which owns, controls or maintains underground facilities in Canton Borough reasonably anticipates more than one street opening or excavation per calendar year, it may post a bond for the calendar year or part thereof to cover any and all street openings anticipated. In such case, the amount of the bond shall be approved by the Borough Council and the applicant's initial street opening permit in a calendar year will only be issued if the bond has been posted and the applicant has provided the Borough with an accurate and up-to-date map of its underground facilities. The approval of a calendar-year bond does not absolve the applicant of its obligation to obtain a separate street opening permit for each street opening to be performed by the applicant.

3. In addition, the excavators shall furnish a certificate of insurance in the amount of $1,000,000 to cover all property and casualty damages caused by the opening or excavation and name Canton Borough as an additional insured. Failure of an applicant to secure such certificate of insurance shall be sufficient reason for denying a permit.

4. The applicant must comply with all applicable requirements of the Pennsylvania Workers' Compensation Act and provide proof of coverage to the Borough, if applicable.

§ 21-306. Street Closures and Traffic Alterations; No Parking; Work Hours.

[Ord. No. 2023-611, 2/13/2023]

1. Borough ordinances do not permit closure of Borough streets as a matter of course with issuance of a street cut permit. Specific approval to close a street or to materially alter traffic patterns must be obtained from the Borough Street Supervisor or designee. In their absence or in an emergency, the Police Department or Police Department designee may grant approval. In every case, the permittee's request to close or alter traffic must include precise location, reason, work methods, time and date, and what alternatives were considered.

2. The Borough reserves the right to require work hours of 9:00 a.m. to 3:00 p.m. and 6:00 p.m. to 6:00 a.m. Permittees will be required to place steel plates, pinned in place, to maintain traffic flow during nonworking hours in such areas (also see § **21-312**, Weather Limitations). Such authority shall include, but not be limited to, the power to require that work be done on a continuous, around-the-clock, twenty-four-hour basis for major thoroughfares.

§ 21-307. Traffic Accommodations and Control; Public Notification.

[Ord. No. 2023-611, 2/13/2023]

1. All permittees are responsible to notify businesses and residences that will be affected by street cut work on both sides of the street in the block area that blocks, restricts traffic flow or prevents the usual parking in the area affected by the work. This notification shall be given by "door-to-door" notices in the work site area at least 48 hours prior to commencing work. A copy of the property owners notified shall be provided to the Borough Secretary. (See sample notice **attached to this chapter**.)

2. All permittees shall furnish material and traffic control devices necessary for the maintenance and protection of traffic and pedestrians, conforming to PennDOT Work Zone Traffic Control, 67 Pa. Code, Chapter 203,[1] and amendments thereto until the roadway is restored to the condition required. If at any time a detour may be required, the permittee shall first contact the Borough Street Supervisor or designated representative.
   [1] *Editor's Note: 67 Pa. Code Chapter 203 was repealed 2/4/2006. See now 67 Pa. Code § 212.401 et seq.*

§ 21-308. Street Cut Excavations, Trenching (OSHA Compliance) and Borough Notification.

[Ord. No. 2023-611, 2/13/2023]

1. All existing pavements shall be saw cut or cut to preserve a square edge. Cut shall be full depth of the concrete or base thickness, and care shall be taken in removing the concrete to insure that the slab breaks on the next line produced by the concrete saw. Asphalt concrete pavement and all excavated material shall be removed from the site. There shall be no storage or any material on the street surface.

2. All excavation, trenching and shoring, and the like shall be performed in a manner that meets with OSHA Department of Labor, Safety and Health Regulations for construction. It is the responsibility of the permittee, therefore, to understand and abide by all OSHA regulations concerning trenching and shoring as outlined in the OSHA Technical Manual, Section V, Chapter **2**, and amendments.

3. All permittees are responsible for notifying the Borough Street Supervisor or designated representative in advance of all excavations within the Borough right-of-way.

4. All permittees are responsible for notifying the Borough Street Supervisor or designated representative prior to any concrete and/or final restorations in order to schedule the inspection visit to each location/site.

§ 21-309. Street Restoration and Maintenance.

[Ord. No. 2023-611, 2/13/2023]

1. The permittee shall be and remain responsible for backfilling and paving the opening and restoring the surface to its original condition and composition prior to the opening. All backfilling and restoration shall be in accordance with the most current Pennsylvania Department of Transportation Publication 408 standards. In the event that the street excavation or opening or any required backfilling has not been completed prior to the date of expiration as set forth on the permit, the Street Department may take steps to backfill the opening or excavation and to replace the street surface. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of this work plus 10%. Payment not made within 30 days will be charged against the posted bond, including all fees and costs involved in the collection of this payment.

2. The Borough's Street Supervisor or designee may adjust the requirements or restoration and maintenance based on the Borough's street maintenance schedule or the condition of the Borough street or the Canton Borough Authority's sewer line replacement schedule for said streets. At the discretion of the Borough's Street Supervisor or designee, he may require an independent compaction test that must be complied with by the permittee.

3. It shall be the duty of the permittee, in the manner set forth in this Part, to cause within the period of six months such streets to be restored in the manner specified as outlined under § **21-311**, Asphaltic Concrete Base Paving, for asphalt base and for concrete base.

4. When a longitudinal opening longer than 10 feet and/or wider than three feet is made in the street pavement, the permittee shall overlay the entire traffic lane plus one foot of overcut on the perimeter in which the opening was made.

5. When two or more transverse trench openings are made in the street pavement less than 100 feet apart, the permittee shall overlay the traffic lane in which the openings were made for the entire length of the street between such openings.

6. When four or more openings are made by the same permittee in the street pavement less than 100 feet apart, the Borough Street Supervisor or designee shall require the permittee to overlay the entire disturbed area.

7. When the permitted opening is to be closer than five feet from the edge of an existing patch or patches in the pavement, the restoration shall be extended to include said patch.

8. All permittees test boring, or drilling a three-inch or larger hole into any Borough street for location of leaks or venting of leaks will be required to backfill holes with flowable fill only, no filler material. All permittees shall install asphalt surface in accordance with § **21-311**, Asphaltic Concrete Base Paving. If the hole is three inches or less the permittee will fill the hole with No. 8 stone and AC 20 asphalt sealer.

9. It is the permittee's responsibility to replace all pavement markings in conforming with pavement markings that are removed or damaged. All material shall meet with the approval of the Borough Street Supervisor or designee.

10. Detectable warning surfaces shall be required on every handicapped ramp within every street that is part of a street opening project by a utility company or permittee and shall be installed by a utility company when the street opening work is performed on any street within a one-block area from the street opening project. The utility company shall only be required to repair or replace the detectable warning surface for five years from the last day of installation of the detectable warning surface.

§ 21-310. Compaction and Backfill.

[Ord. No. 2023-611, 2/13/2023]

1. The permittee shall be and remain responsible for backfilling and paving the opening and restoring the surface to its original condition and composition prior to the opening. All backfilling and restoration shall be in accordance with the most current Pennsylvania Department of Transportation Publication 408 standards. In the event that the street excavation or opening or any required backfilling has not been completed prior to the date of expiration as set forth on the permit, the Street Department may take steps to backfill the opening or excavation and to replace the street surface. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of this work plus 10%. Payment not made within 30 days will be charged against the posted bond, including all fees and costs involved in the collection of this payment.

2. All backfilling shall be done with mechanical compaction and shall consist of layers not to exceed eight inches in depth between each compaction. Backfilling shall be placed to within 10 inches of the surface.

3. Replacement of bituminous paved area shall include saw cutting in straight lines and milling and repaving the entire road surface from curb to center line plus 12 inches on each side of the street opening. In the event that the street opening extends beyond the center line of the street, pavement replacement shall consist of curb to curb and five feet in each direction on either side of the street opening.

4. Compaction shall be 100% maximum density with flowable fill and 95% maximum density with granular materials. Soil that has exceeded liquid limits may not be used as backfill.

5. When the opening is ready for backfill, the subject permittee shall contact the Borough of Canton at the office of the Borough Secretary. The Borough will dispatch the Borough Street Supervisor or designee to inspect the backfilling process as expeditiously as possible.

6. If the permittee starts backfilling the excavation before the Borough Street Supervisor or designee arrives, the permittee will be required to re-excavate the backfill if a question arises as to the liquid limit or compaction percentage of the backfill material.

7. The permittee shall not commence with backfilling of any part of the excavation until the Borough Street Supervisor or designee has inspected such part.

8. On streets that have not been paved in the last seven years and heavily traveled streets, as determined by the Borough Street Supervisor or designee, the permittee shall backfill with flowable fill or adequate virgin materials, No. 2RC aggregate material or No. 57 clean course aggregate.

9. Compaction is to be performed using vibrating compaction equipment or mechanical tampers; hand tamp around utilities, if necessary.

10. When an opening is made in the center of the street, the permittee shall match the existing grade of the pavement and pave from curb to curb.

11. The Borough's Street Supervisor or designee may adjust the requirements for compaction and backfill based on the condition of the subsurface of the street.

12. All backfill material shall be adequate virgin material, or No. 2RC aggregate material, and/or either No. 57 clean coarse aggregate not to exceed RC No. 3 or select granular material as specified by PennDOT Publication 408, §§ 703.2 and 703.3 (as amended), and placed in six-inch lifts to one foot below the subgrade elevation for streets or poured surfaces.

13. On streets that have been paved in the last seven years and heavily traveled streets as determined by the Borough Street Supervisor or designee, the permittee shall use PennDOT approved Type A flowable backfill.

14. The bituminous concrete base course shall be installed after backfilling with granular material is completed and in the presence of the Borough Street Supervisor or designee or after sufficient curing time has been achieved for flowable fill.

§ 21-311. Asphaltic Concrete Base Paving.

[Ord. No. 2023-611, 2/13/2023]

Final street cut restoration must consist of four inches minimum of bituminous base course (BCBC). Place two inches minimum ID-2 wearing course to match the existing street surface. Seal all edges with AC 20 asphalt sealer two inches on each side from the edge of the cut to form a four-inch continuous seal around the cut.

§ 21-312. Weather Limitations.

[Ord. No. 2023-611, 2/13/2023]

1. Permittee shall not place asphalt or apply bituminous coatings when base surface temperature is less than 40° F, or when surface is wet or frozen. When an opening is made during the time of year when all local asphalt pug mills are closed, bituminous cold patch may be used. The cold patch shall be installed to a compacted thickness of two inches. When the local pug mills reopen for the season, all openings repaired with cold patch shall be removed and shall be replaced with the hot-mix application, as outlined in § **21-309**, Street Restoration and Maintenance, and § **21-310**, Compaction and Backfill, above, within 60 days of the pug mill reopening date.

2. Utilize a temporary surface of cold patch two inches in depth, if final restoration cannot occur due to weather

limitations.

3. Permittee will be allowed to place steel plates on Borough streets between October 31 and April 1 at the discretion of the Borough Street Supervisor or designee. The perimeter of the steel plates should be buffered with asphaltic concrete or other durable material to protect the Borough plows from damage.

§ 21-313. Protection of Canton Borough Authority Sewer System and Canton Borough Stormwater Inlets.

[Ord. No. 2023-611, 2/13/2023]

1. No permittee may allow dirt or debris to enter the Canton Borough Authority sewer system. All Canton Borough and/or PennDOT stormwater inlets within the drainage area of the excavation shall be left open so as not to obstruct the free passage of water and must be protected by a filter system that will prohibit water from carrying silt or other debris into the sewer. Acceptable means of protection are the use of a filter material insertion into each inlet.

2. Any permittee who does not provide protection as described herein will be required to clean and flush each inlet that the Borough Street Supervisor or designee determines has been contaminated.

§ 21-314. Restoration of Adjacent Surfaces.

[Ord. No. 2023-611, 2/13/2023]

It is the permittee's responsibility to properly restore any and all adjacent surfaces disturbed by the action of work in the right-of-way to equal or better condition than existed prior to start of work. Sidewalks, driveways, curbs, lawn or grass areas will be restored in accordance with Borough ordinance. All work is to be done at the permittee's cost and expense to the satisfaction of the Borough Street Supervisor or designee and the property owner.

§ 21-315. Sidewalks.

[Ord. No. 2023-611, 2/13/2023]

Any utility openings in sidewalks for utility service connections that require excavation shall be backfilled with flowable fill as set forth in this Part subject to the review and approval of the Borough Street Supervisor or designee.

§ 21-316. Test Holes.

[Ord. No. 2023-611, 2/13/2023]

A street opening permit must be obtained for any test hole work. No test holes shall be made in or upon a greater surface of the street than as specified in such permit, and no excavation or test holes shall interfere with any of the pipes, sewers, drains or other lines of the Borough or any other underground utility surface.

§ 21-317. Additional Requirements of Permittee.

[Ord. No. 2023-611, 2/13/2023]

1. The following requirements must also be complied with by the permittee:

   A. All sidewalks and footways must be kept in a safe and passable condition during construction.

   B. All materials removed by the excavation, as well as backfilling materials, shall be stored in a safe place, as determined by the Borough Street Supervisor, pending completion of the project and backfilling.

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

D. No more than 500 feet longitudinally shall be opened in any street at any one time.

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

F. No tunneling shall be allowed without the express approval of the Borough Street Supervisor and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Street Supervisor or an inspector designated by him, and shall be done only in a method approved by Canton Borough.

G. All method of installation of any private utility shall be governed by their respective professional agencies or industry standards. Any documentation supplied to the Borough shall clearly indicate compliance with any and all applicable installation standards or guidelines.

H. Utility company proposing to install new utilities shall demonstrate on plans consideration of potential future utilities that may not be currently installed or servicing the proposed area. For instance, if an area is currently not serviced by municipal sanitary sewer, future private utilities shall not simply install their individual utilities along the path of least resistance without giving consideration to such potential future utilities and any associated installation or separation distance requirements.

I. Directional drilling will be considered by the Borough Street Supervisor if adequate efforts are made to provide test pits, internal pipe camera location of laterals in storm or sanitary sewers, and/or other coordination with water, sewer, storm, gas or other buried utilities of their mains and services to homes and businesses.

J. If a contractor proposes to utilize directional drilling methodology, this shall be clearly indicated on the engineering drawings along with the proposed installation depth and invert elevations of all utilities the directional drill shall cross. All directional drilling or trenchless technology shall be completed following applicable national standards.

K. Any private utility installed in parallel to a municipal or public utility shall maintain a separation distance as required by regulatory agencies or of four feet, whichever is more, as measured from edge of utility to edge of utility unless otherwise approved in writing by representative of the applicable utility.

L. No private utility shall cross a public utility or roadway at an angle of less than 45°.

M. The permittee shall notify the Borough Street Supervisor when the opening or excavation is ready for backfilling, before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the street has been permanently restored so that inspections may be made.

N. As may be deemed necessary by the Borough Street Supervisor for the safety and welfare of all persons and property, the permittee shall install or cause to be installed all necessary warning lights, illumination, barricades or other safety devices.

O. Proper traffic control and warning signs must be in place and maintained in accordance with the current edition of Publication 213 of the Pennsylvania Department of Transportation.

P. If 10 excavations occur in one block within a three-year period, the applicant must mill and pave to Borough specifications the entire road surface within that block, during its required restoration. For purposes of this section a "block" is defined as an area of roadway between cross streets or nearest intersections.

Q. Any and all conditions relating to the project imposed upon the applicant/permittee and set forth on the permit must be complied with.

R. The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Borough may prescribe.

§ 21-318. Revocation of Permit; Notice of Violation.

[Ord. No. 2023-611, 2/13/2023]

1. All street opening permits are subject to revocation at any time by the Borough, upon recommendation of the Borough Street Supervisor, for:

A. Violation of any condition of the permit.

B. Violation of any provision of this section or Part or any other applicable ordinance or law related to the work.

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

2. Written notice of such violation shall be served upon the applicant/permittee or party engaged in the work. Such notice shall contain a brief statement of the reasons for revoking such permit and/or may contain a time period and method by which the permittee may cure any such violation. Notice may be given either by personal delivery or by United States mail sent to the address listed on the original application.

3. Upon revocation of any permit, a portion of any prepaid application fees not necessary to compensate the Borough for the depreciation of its street shall be returned to the permittee. The determination of the portion of the application fees to be returned shall be entirely within the discretion of the Borough, and its decision shall be final.

§ 21-319. Responsibility to Contact Utilities.

[Ord. No. 2023-611, 2/13/2023]

The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, PL. 852, § 1 et seq.,[1] as amended or supplemented from time to time. It shall be the permittee's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. A partial list of utilities providing services in the Borough and their addresses may be obtained from the County Recorder of Deeds.

[1] *Editor's Note: See 67 Pa. Code § 212.1 et seq.*

§ 21-320. Guarantee and Maintenance of Work.

[Ord. No. 2023-611, 2/13/2023]

Notwithstanding any bonding or other security requirements, the permittee shall guarantee and maintain the backfilling and restoration work for a period of 36 months following the date of such final restoration, subject at all times to the approval of the Borough Street Supervisor or designee. Within this thirty-six-month period, upon notification from the Borough of the necessary correction work required, the permittee shall correct or cause to be corrected all deficiencies within five working days of receipt of the notifications. Any work not completed within this five-day period may be completed by the Borough at the discretion of the Borough Street Supervisor The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of this work, plus 10%. Payment not made within 30 days of the invoice date will be charged against the posted bond, including all fees and costs involved in the collection of this payment.

§ 21-321. Work Necessitating Opening or Excavation to Be Done Prior to Street Improvement and not Until Five Years Thereafter; Exception.

[Ord. No. 2023-611, 2/13/2023]

New paving shall not be opened or excavated for a period of five years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Borough Administrator, Borough Street Supervisor and/or Borough Council. If it is sought to excavate upon or open a sewer within five years after the completion of the paving, applicant shall make written application to the Canton Borough Council, and a permit for such opening shall be issued only after express approval of the Borough Council.

§ 21-322. Permittee Responsibilities for Future Relocation of Work.

[Ord. No. 2023-611, 2/13/2023]

If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the

permittee further agrees to change or relocate all or any part of the structures covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

§ 21-323. Conditions for Laying and Extending Utility Lines.

[Ord. No. 2023-611, 2/13/2023]

No new water, sewer, steam or gas main, or electric, telephone or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any of the streets of the Borough until the plan therefor shall have been first filed with the Borough Administrator and such plan, and the exact location of such main or line, approved by Canton Borough Council. Canton Borough Council shall not approve the locating of any such main or line at a depth of less than 30 inches from the surface of the street unless they shall be convinced that locating the same at a depth of more than 30 inches from the surface is impossible or impractical.

§ 21-324. Violations and Penalties.

[Ord. No. 2023-611, 2/13/2023]

1. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a summary offense and be sentenced to a fine of not more than $300 in addition to attorneys' fees and court costs incurred in such prosecution; and in default of payment, be subject to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. In addition to the penalties set forth in the preceding subsection, the Borough reserves the right to deny the issuance of any future street opening permit to any person or party who violates the provisions of this Part.

3. Any person, party, organization, corporation or other entity who commences any opening, cutting, excavation, other digging or disturbance of the improved or unimproved surface or adjacent area of any public roadway, alley or right-of-way, as defined in the applicable ordinances, without first obtaining a valid permit from the Borough office, and paying the required fee, will be deemed guilty of a separate violation of said ordinance, in addition to any other sanctions or penalties imposed therein. If said person, party, organization, corporation or other entity, upon notice by the Borough, or its duly authorized or appointed officials, ceases all activity and applies for the applicable permit, the Borough office shall have the discretion to issue same upon payment of a fee which shall be no less than double the usual, timely application fee. This provision shall apply only to a first offense by any person, party, organization, corporation or other entity.

4. In addition to any penalties or application fees set forth above in this Part, or in any subsequent resolution, any person, party, organization, corporation or other entity who fails to obtain permits before conducting any of the activities set forth above, after the first offense, shall be assessed an additional penalty which shall be no less than double the prescribed fine for violations of said Part.

5. The above provisions may be enforced by the Borough of Canton, through its Code Enforcement Officer or Officers, or through such other official designated by Council, for that purpose, in the usual and customary manner. In addition, and not in limitation of the above, the provisions set forth herein regarding the open burning of materials may be enforced by the Fire Chief or any designated Line Officers of the Canton Volunteer Fire Department. The procedural rules for such enforcement shall be established by a written policy adopted by Borough Council.

§ 21-325. Default.

[Ord. No. 2023-611, 2/13/2023]

No permit shall be issued to any person, persons, corporation or other party in default under this Part until the costs and expense herein provided for are paid.

§ 21-326. Limits of Borough Jurisdiction.

[Ord. No. 2023-611, 2/13/2023]

In no case shall any opening or excavation made in the Borough of Canton by any permittee be considered in the care of or in the charge of the Borough. No officer or elected official or any other person employed by the Borough is authorized in any way to take or assume any jurisdiction or responsibility for the Borough over such openings or excavations. The Borough inspection of all subject excavations shall be performed only by the Borough Street Supervisor or designee, as hereinbefore stated. The Borough inspection does not remove from the permittee his complete responsibility for the subject excavation or opening at all times.

§ 21-327. Construal of Provisions.

[Ord. No. 2023-611, 2/13/2023]

1. Nothing contained in this Part or any provision thereof shall be interpreted as prohibiting or limiting any other right or cause of action the Borough may have, in law or in equity, against any party for any violation of the terms of this Part or matters related thereto.
2. All other sections and provisions of previous ordinances which are not amended or changed by this Part, and are not inconsistent with the terms and provisions set forth herein, are hereby ratified and reaffirmed and shall remain in full force and effect.

PART 4. (RESERVED)

PART 5. (RESERVED)

PART 6. UNIFORM STANDARDS FOR THE NAMING OF STREETS

[See also, Appendix H, Streets and Sidewalks, Ord. 537]

§ 21-601. Purpose.

[Ord. 502, 4/8/2002]

The purpose of this Part is to better enhance the County of Bradford E9-1-1/Emergency Communications System and to provide for a uniform County-wide addressing system with respect to naming of streets and roadways; fabrication, erection and maintenance of street name signs; address posting requirements; enforcement procedures; and assigning street or house numbers to all residences and principal buildings and businesses to assist fire, rescue, ambulance companies, law enforcement agencies, the United States Postal Service, and the public in the timely and efficient provision of services to residents and businesses of Bradford County.

§ 21-602. Implementation and Administration.

[Ord. 502, 4/8/2002]

The implementation of the uniform standards for naming streets and an addressing system is in conjunction with County of Bradford and the Bradford County "9-1-1 Emergency Communications System." This Part is established in conjunction with the County of Bradford in implementing and developing a "Master Street Address Guide" and coordinating, designating and naming of addresses pursuant to the street naming and address policy. Enforcement of this Part shall remain the responsibility of the Canton Borough Council, however, the County of Bradford shall coordinate and assist Canton Borough in enforcement.

§ 21-603. Guidelines and Standards.

[Ord. 502, 4/8/2002]

Canton Borough shall establish street names as chosen by Canton Borough, or land developer or land owner, and street or house numbers in accordance with the guidelines as set forth and described in "Exhibit A": Bradford

County Street Naming and Addressing Policy.[1] Establishment of any street names and addresses will be coordinated with the County of Bradford pursuant to the Street Naming and Addressing Policy. The designation of street names and addresses by Canton Borough shall require the approval of the County of Bradford so as to coordinate such designations and to comply with the County of Bradford Street Naming and Addressing Policy.

[1] *Editor's Note: Exhibit "A": Bradford County Street naming and Addressing Policy is on file at the Borough office.*

§ 21-604. Enforcement.

[Ord. 502, 4/8/2002]

1. Whenever Canton Borough has reason to believe there has been a violation of any provision of this Part, Canton Borough, or the designee of Canton Borough, shall give notice to the person or party failing to comply and order said person or party to take corrective action or measures within 30 days from the date of notification.
2. If such person or party fails to comply with the duly issued order, Canton Borough, or the designee of Canton Borough, shall initiate necessary actions to terminate the violation through criminal and/or civil measures.
3. Penalties. Any violation of any provisions of this Part pursuant to any criminal section shall constitute a summary offense, punishable by a maximum of $300 per offense. Subsequent to the thirty-day period following a notification of violation, each day of violation shall constitute a separate violation. Should pursuant to this Section, enforcement be by civil measures, any civil sanctions to be imposed shall be at a similar rate to the criminal in the amount of a maximum of $300 per offense with each day of violation constituting a separate violation.
4. Canton Borough shall have the authority and option, per agreement with Bradford County, should both parties choose to do so, to designate Bradford County as designee for purposes of enforcement.

Chapter 22. Subdivision and Land Development

(Reserved)

Chapter 23. Swimming Pools

PART 1. CONSTRUCTION, MAINTENANCE AND USE OF PRIVATE SWIMMING POOLS

§ 23-101. Definition.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

As defined in this Part, SWIMMING POOL or POOL is hereby defined as an outdoor swimming pool used or intended to be used solely by the owner of a residential property, his family, or lessee thereof and his family, and by guests invited to use it without the payment of any fee.

§ 23-102. Applicability.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

This Part shall apply to all new outdoor swimming pools hereinafter constructed as well as existing swimming pools whether aboveground or in the ground and having a depth of 18 inches or more at any one point.

§ 23-103. Construction Permit and Approval.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

1. Before any work is commenced on the construction of a swimming pool or on any alteration, addition,

remodeling or other improvement to a swimming pool, an application for a permit for construction, together with plans and specifications pertinent to the construction, as well as explanatory data, shall be submitted to the [Building Inspector]. No part of the work shall be commenced until approval has been granted the applicant by a written permit. The fee for such permit shall be fixed by resolution of the Borough Council.

2. All plans, including a plot plan, shall bear the name and seal of a registered architect, engineer or surveyor. The plot plan shall show the location of all buildings and the proposed pool on the property, distances to all property lines in the immediate vicinity of the swimming pool and dwelling, and the location of wells, sewage disposal systems and proposed enclosure or fence around the pool.

3. Standard pools, properly designed by established swimming pool companies and having the approval of a registered engineer or registered architect, shall be acceptable when accompanied by suitable plans and specifications, including information as stated herein.

§ 23-104. Enclosure.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

1. Every swimming pool shall be completely surrounded by a fence, wall or similar enclosure not less than four feet in height, which shall be so constructed as to have no openings, holes or gaps larger than two inches in any dimension. If the fence or wall is a picket fence, the horizontal dimensions maintained shall not exceed four inches. A dwelling or accessory building may be used as part of such enclosure.

2. All gates or door openings through such enclosure shall be equipped with a self-closing, self-latching device on the pool side for keeping the gate or door securely closed at all times when not in use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. The fence shall surround the pool and the deck area. Fences shall be erected around all existing swimming pools no later than (date).

§ 23-105. Location on the Property.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

1. A swimming pool shall be located at the rear of a dwelling or along the side of the dwelling where practical.

2. There shall be a minimum of three feet of concrete, stone, brick or block sidewalk or other all weather surface around all pools, except portable aboveground pools.

3. No swimming pool or appurtenances including decks and shelters shall be erected nearer to any property line than permitted by the Zoning Ordinance (Chapter **27**).

4. No swimming pool shall be so located as to interfere with the operation of a well or on-site septic system, or be located where there is potential danger of a septic system discharging into the pool or onto the adjacent area around the pool.

§ 23-106. Design and Construction Requirements.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

1. No permit to construct new swimming pools (existing pools are excluded from this Section) shall be issued unless and until the following design and construction requirements are observed:

   A. Material. The material used for lining a swimming pool shall be light in color, impervious and shall provide a tight tank with easily cleaned surfaces. Sand or dirt bottoms are prohibited if uncovered.

   B. Walls and Bottom. All pool walls and bottoms shall be designed to withstand water pressure from within and to resist the pressure of earth or groundwater when the pool is empty.

   C. Steps, Ladders, Handholds. One or more steps, ladders, stepholes or handholds shall be provided for all pools. The coping of the swimming pool, if not higher than eight inches above the water surface, shall be considered a handhold.

D. Make-Up Water. Pools shall be equipped with suitable facilities for adding make-up water as required. There shall be no physical connection between the water supply line and pool system. When make-up water is added to the pool, the inlet shall be at least six inches above the pool water surface.

E. Drainage Outlet. No pool water shall be drained at the curb, along the gutter line of any street or on the surface of any street.

F. Recirculation. Provision shall be made for complete circulation of water throughout the pool. The system shall be designed and constructed so that a turnaround at least once every twelve-hour period shall be provided. Recirculation systems shall consist of pumping equipment, hair-and-lint catcher, filters, together with all necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for backwashing or cleaning filters.

G. Safety Equipment. Life preservers, ropes and poles shall be readily available at the pool site.

§ 23-107. Portable Pools.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

1. Aboveground pools are not subject to the fee schedules nor the design and requirements as set forth herein. However, all such pools having walls less than four feet shall be enclosed in accordance with the provisions of this Part.

2. Portable aboveground pools having walls four feet or greater in height may be excluded from the fencing requirement provided such pools are equipped with access ladders which may be raised and locked in a near vertical position when the pool is unattended. An aboveground pool as described in this subsection which is served by a ladder or steps which cannot be raised and locked so as to prevent access by small children shall be enclosed in accordance with § **23-104** of this Part.

§ 23-108. Property Rights.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

No swimming pool shall be so located or maintained as to interfere unduly with the enjoyment of the property rights of others.

§ 23-109. Shielding Lights.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

Lights used to illuminate any swimming pool shall be so arranged as to reflect light away from adjoining premises.

§ 23-110. Unnecessary Noise.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, any loud, unnecessary or unusual noise which disturbs, injures or endangers the comfort, health, peace or safety of others. The use or operation of any radio, musical instrument, phonograph, recording equipment, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing of persons at the swimming pool site shall be unlawful.

§ 23-111. Electrical Connections.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

1. All electrical installations shall conform to the specifications of the National Electrical Code. No electric wires or conductors shall cross, either overhead or underground, on any part of a swimming pool, nor shall any electric

wiring be installed parallel to any pool wall closer than five feet, if underground, unless enclosed in a rigid conduit, or within five feet, if overhead.

2. All underwater lights must be watertight, self-contained units with ground connections running from a waterproof junction box to a proper grounding facility or medium. All underground electric wires supplying current to said light within a distance of five feet of the pool wall or walls shall be enclosed in rigid conduits. All metal fences, enclosures or railings, near or adjacent to a swimming pool, which might become electrically charged as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

§ 23-112. Penalties.

[Ord. 470, 9/14/1998; amended by Ord. 610, 9/12/2022]

Any person, firm or corporation who shall violate any provision of this Part shall be charged with a summary offense, be sentenced to a fine of not more than $300 in addition to attorney fees and court costs incurred in such prosecution and in default of payment and be subject to a term of imprisonment not to exceed 30 days.

Chapter 24. Taxation; Special

PART 1. REALTY TRANSFER TAX

§ 24-101. Short Title.

[Ord. 406, 12/14/1987]

This Part shall be known as the "Realty Transfer Tax Ordinance of Canton Borough."

§ 24-102. Authority.

[Ord. 406, 12/14/1987]

A realty transfer tax for general revenue purposes is hereby imposed upon the transfer of real estate or interest in real estate situated within Canton Borough 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, "Local Real Estate Transfer Tax," 72 P.S. § 8101-D et seq.

§ 24-103. Definitions.

[Ord. 406, 12/14/1987]

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.

BOROUGH
Canton Borough, Bradford County, Pennsylvania.

CORPORATION
A corporation, joint-stock association, business trust or banking institution which is organized under the laws of the Commonwealth, the United States or any other state, territory, foreign country or dependency.

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 30 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 § **24-108** of this Part.

FAMILY FARM CORPORATION

A corporation of which at least 75% of its assets are devoted to the business of agriculture and at least 75% of each class of stock of the corporation is continuously owned by members of the same family. The business of 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.
5. Manufacturing or processing operations of any kind.

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 the half-blood or legal adoption shall be treated as if they were related by the whole-blood.

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.

REAL ESTATE

1. All land, tenements or hereditaments within Canton Borough 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 of 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 housing corporation, trust or association under a proprietary lease or occupancy agreement.

REAL ESTATE COMPANY

A corporation or association which is primarily engaged in the business of holding, selling or leasing real estate, 90% or more of the ownership interest in which is held by 35 or fewer persons and which:

1. Derives 60% or more of its annual gross receipts from the ownership or disposition of real estate.
2. Holds real estate, the value of which comprises 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.

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.
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 30 years or more or a leasehold interest or possessory interest in real estate in which the lessee has equity.

TRANSACTION

The making, executing, delivering, accepting or presenting for recording of a document.

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 therein 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 Subsection **1** or **2**, **the** actual monetary worth of such interest.

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 principle or the grantor of a related corporation, association or partnership and the grantee existing before or effective with the transfer.

§ 24-104. Imposition of Tax; Interest.

[Ord. 406, 12/14/1987]

1. 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 shall be subject to pay for and in respect to the transaction, or any part thereof, a tax at the rate of 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 30 days of acceptance of such document or within 30 days of becoming an acquired company.

2. The payment of the tax imposed herein shall be evidenced by the affixing of an official stamp or writing by the recorder whereon the date of the payment of the tax, amount of the tax and the signature of the collecting agent shall be set forth.

3. It is the intent of this Part 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, Act of December 31, 1965, P.L. 1257, 53 P.S. § 6901 et seq., 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 Borough under the authority of that Act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be 1/2 of the rate and such 1/2 rate shall become effective without any action on the part of the Borough; provided, however, that the Borough and any other political subdivision which imposes such tax on the same person or transfer may agree that, instead of limiting their respective rates to 1/2 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."

4. If for any reason the tax is not paid when due, interest at the rate in effect at the time the tax is due shall be added and collected.

5. This tax shall continue in force without any reenactment.

§ 24-105. Exempt Parties.

[Ord. 406, 12/14/1987]

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

§ 24-106. Excluded Transactions.

[Ord. 406, 12/14/1987]

1. The tax imposed by § **24-104** 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 Borough is prohibited from taxing under the Constitution or statutes of the United States.

   C. A conveyance to a municipality, township, school district or county of a tax delinquent property at sheriff's 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 of 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 takes shares greater in value than their undivided interest, tax is due on 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 the spouse of a brother or sister and between a grandparent or grandchild or the spouse of such grandchild, except that a subsequent transfer by the grantee within one year shall be subject to the 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 actual 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 for (1) no or nominal actual consideration between principal and agent or straw party; or (2) 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 Part. 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 subsection.

   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 Part.

   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 (1) the grantee shall directly use such real estate for the primary purpose of manufacturing, fabricating, compounding, processing, publishing, research and development, transportation, energy conversion, energy production, pollution control, warehousing or agriculture and (2) the agency or authority has the full ownership interest in the real estate transferred.

P. A transfer by a 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, (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 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 $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 Part.

§ 24-107. Documents Relating to Associations or Corporations Members, Partners, Stockholders or Shareholders Thereof.

[Ord. 406, 12/14/1987]

Except as otherwise provided in § **24-106** 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 Part, corporations and associations are entities separate from their members, partners, stockholders or shareholders.

§ 24-108. Acquired Company.

[Ord. 406, 12/14/1987]

1. 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, 90% or more of the total ownership interest in the company within a period of three years.

2. 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 Part.

3. Within 30 days after becoming an acquired company the company shall present a declaration of acquisition with the recorder of each county in which it holds real estate for the affixation of documentary stamps and recording. Such declaration shall set forth the value of real estate holdings of the acquired company in such county. A copy of the Pennsylvania Realty Transfer Tax Declaration of Acquisition may be submitted for this purpose.

§ 24-109. Credits Against Tax.

[Ord. 406, 12/14/1987]

1. 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.
2. 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.
3. 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.
4. 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 same shall be given the grantor toward the tax due upon the deed.
5. 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.

§ 24-110. Extension of Lease.

[Ord. 406, 12/14/1987]

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 if fixed or if a method for calculating the rental charge is established.

§ 24-111. Proceeds of Judicial Sale.

[Ord. 406, 12/14/1987]

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.

§ 24-112. Duties of Recorder of Deeds.

[Ord. 406, 12/14/1987]

1. 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 Borough based on a redetermination of the amount of tax due by the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax without compensation from the Borough.
2. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the recorder shall not accept for recording such a deed unless it is accompanied by a statement of value showing what taxes are due each municipality.
3. On or before the tenth of each month the recorder shall pay over to the Borough all local realty transfer taxes collected less 2% for use of the county, 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 2% commission shall be paid to the county.
4. Upon a redetermination of the amount of realty transfer tax due by the Commonwealth of Pennsylvania, the

recorder shall rerecord the deed or record the additional realty transfer tax form only when both the State and local amounts and a rerecording or recording fee has been tendered.

§ 24-113. Statement of Value.

[Ord. 406, 12/14/1987]

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 Part. 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 transfers 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 forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this Part.

§ 24-114. Civil Penalties.

[Ord. 406, 12/14/1987]

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

§ 24-115. Lien.

[Ord. 406, 12/14/1987]

The tax imposed by this Part shall become a lien upon the lands, tenements or hereditaments or any interest therein lying, being situated, wholly or in part, within the boundaries of the Borough, which lands, tenements, hereditaments or interest therein are described in or conveyed by or transferred by the deed which is the subject of the tax imposed, assessed and levied by this Part, said lien to begin at the time when the tax under this Part is due and payable and continue until discharge by payment or in accordance with the law and the Solicitor is authorized to file a municipal or tax claim in the Court of Common Pleas of Bradford 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.

§ 24-116. Enforcement.

[Ord. 406, 12/14/1987]

All taxes imposed by this Part, together with interest and penalties prescribed herein, shall be recoverable as other debts of like character are recovered.

§ 24-117. Regulations.

[Ord. 406, 12/14/1987]

The Treasurer of Canton Borough is charged with enforcement and collection of tax and is empowered to promulgate and enforce reasonable regulations for enforcement and collection of the tax. The regulations which have been promulgated by the Pennsylvania Department of Revenue under 72 P.S. § 8101-C et seq. are incorporated into and made a part of this Part.

PART 2. EARNED INCOME TAX

§ 24-201. Incorporation of Statute.

[Ord. 266, 2/8/1971]

The provisions of Section 13 of the Local Tax Enabling Act (Act No. 511 of 1965), its supplements and amendments, are incorporated herein by reference except that where options are provided in said Section 13, this Part designates the option selected and except as and where hereinafter specifically provided otherwise.

§ 24-202. Imposition of Tax.

[Ord. 266, 2/8/1971]

A tax for general revenue purposes in the amount of 1/2% is hereby imposed on earned income and net proceeds earned by residents of Canton Borough during the taxable period beginning on July 1, 1979, and continuing for each taxable year thereafter.

§ 24-203. Declaration, Return and Payment of Tax.

[Ord. 266, 2/8/1971]

1. Net Profits.

   A. For 1971 every taxpayer making net profits shall, on or before September 1, 1971, make and file with the officer on a form prescribed or approved by the officer a declaration of his estimated net profits during the period beginning July 1, 1971, and ending December 31, 1971, and pay to the officer in three equal installments the tax due thereon as follows:

      (1) The first installment at the time of filing the declaration.

      (2) The second installment on or before October 15, 1971.

      (3) The third installment on or before January 15, 1972.

      (4) On or before April 15, 1972, shall file a final return showing the amount of net profits earned during the period beginning July 1, 1971, and ending December 31, 1971, the total amount of tax paid thereon. At the time of filing the final return the taxpayer shall pay to the officer the balance of tax due or shall make demand for refund or credit in the case of overpayment.

   B. After 1971 every taxpayer making net profits in any year succeeding 1971 shall file a declaration of his estimated net profits for the current year and shall pay the tax due thereon in quarterly installments and shall file a final return and pay to the officer the balance of the tax due, all as provided in Section 13(III)(A)(1) of the Local Tax Enabling Act, its supplements and amendments.

2. Earned Income.

   A. For 1971 every taxpayer shall, on or before April 15, 1972, make and file with an officer a final return showing the amount of earned income (other than net profits) received during the period beginning July 1, 1971, and ending December 31, 1971, the total tax due thereon, the amount of tax paid thereon, the amount of tax paid thereon that has been withheld pursuant to the provisions relating to collection at the source and the balance of tax due. At the time of filing said final return the taxpayer shall pay the balance of the tax due or shall make demand for refund or credit in the case of overpayment.

   B. For years succeeding the year 1971, every taxpayer shall make and file final returns and pay the taxes due all as provided in Section 13(III)(B), first paragraph, of the Local Tax Enabling Act, its supplements and amendments.

   C. Quarterly Returns. Every taxpayer who is employed for a salary, wage or other compensation and who received any earned income not subject to the provisions relating to collection at source shall make and file with the officer quarterly returns and shall pay quarter-annually the amount of tax shown as due on such

returns, all as provided in Section 13(III)(B)(2) of the Local Tax Enabling Act, its supplements and amendments.

§ 24-204. Collection at Source.

[Ord. 266, 2/8/1971]

Every employer having an office, factory, workshop, branch, warehouse or other place of business within the geographical limits of Canton Borough shall deduct the tax imposed by this Part on the earned income due to his employee or employees and shall file quarterly returns and final returns and pay quarterly to the officer the amount of taxes deducted, all as set forth in Section 13(IV) of said Local Tax Enabling Act, its supplements and amendments.

§ 24-205. Administration.

[Ord. 266, 2/8/1971]

1. The income tax officer shall be selected from time to time by ordinance and shall receive such compensation for his service and expenses as determined from time to time by the Borough Council. Such officer shall have the powers and duties and be subject to the penalties provided in the Local Tax Enabling Act, its supplements and amendments.

2. The Secretary of Canton Borough shall be the custodian of the bond required to be given by the income tax officer.

§ 24-206. Payment of Tax to other Political Subdivisions or States as Credit or Deduction; Withholding Tax.

[Ord. 266, 2/8/1971]

1. Payment of any tax on salaries, wages, commissions, other compensation or net profits of business, professions or other activities to a political subdivision by residents thereof pursuant to an ordinance passed or adopted under the authority of the Local Tax Enabling Act shall be credited to and allowed as a deduction from the liability of such persons for any other like tax respectively on salaries, wages, commissions, other compensation or on net profits of businesses, professions or other activities imposed by this Part.

2. Payment of any tax on income to any political subdivision by residents thereof pursuant to an ordinance passed or adopted under the authority of Local Tax Enabling Act shall to the extent that such income includes salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities, but in such proportion as hereinafter set forth, be credited to and allowed as a deduction from the liability of such persons for any other tax on salaries, wages, commissions other compensation or on net profits of businesses, professions or other activities imposed under this Part.

3. Payment of any tax on income to any state or to any political subdivision thereof by residents thereof, pursuant to any state or local law, shall to the extent that such income includes salaries, wages, commissions or other compensation or net profits of businesses, professions or other activities, but in such proportions as hereinafter set forth, be credited to and allowed as a deduction from the liability of such person for any other tax on salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities imposed under this Part if residents of the Canton Borough receive credits and deductions of a similar kind to a like degree from the tax on income imposed by the other state or political subdivision thereof.

4. Payment of any tax on income to any state other than Pennsylvania or to any political subdivision located outside the boundaries of this Commonwealth by residents of Canton Borough shall, to the extent that such income includes salaries, wages, commissions or other compensation or net profits of businesses, professions or other activities, but in such proportions as hereinafter set forth, be credited to and allowed as a deduction from the liability of such person for any other tax on salaries, wages, commissions, other compensation or net profits of businesses, professions or other activities imposed by this Part.

5. Where a credit or a deduction is allowable in any of the several cases hereinabove provided it shall be allowed in proportion to the concurrent periods for which taxes are imposed by the other state or respective political

subdivisions but not in excess of the amount previously paid for a concurrent period.

§ 24-207. Distress and Sale of Goods and Chattels of Taxpayer.

[Ord. 266, 2/8/1971]

1. The income tax officer shall have power, in case of the neglect or refusal of any person, copartnership, association or corporation to make payment of the amount of any tax due by him after two months from the date of the tax notice, to levy the amount of such tax, any penalty due thereon and cots, not exceeding costs and charges allowed constables for similar services by distress and sale of the goods and chattels of such delinquent, whenever situate or found, upon giving at least 10 days public notice of such sale by posting 10 written or printed notices and by open advertisement in a newspaper of general circulation in the County.
2. No failure to demand or collect any taxes by distress and sale of goods and chattels shall invalidate any return made or lien filed for nonpayment of taxes or any tax sale for the collection of taxes.

§ 24-208. Applicability.

[Ord. 266, 2/8/1971]

The tax imposed in § **24-202** of this Part shall not be levied on the net profits of any person, institution or organization as to whom it is beyond the power of the Borough Council to impose said tax under the Constitution of the United States of America or the Constitution and laws of the Commonwealth of Pennsylvania.

§ 24-209. Collection of Delinquent Earned Income Tax from Employers.

[Ord. 266, 2/8/1971; as amended by Ord. 470, 9/14/1998]

The officer shall demand, receive and collect from all corporations, political subdivisions, associations, companies, firms or individual employing persons owing delinquent earned income taxes or whose spouse owes delinquent earned income taxes or having in possession unpaid commissions or earnings belonging to any person or persons owing delinquent earned income taxes or whose spouse owes delinquent earned income taxes, upon the presentation of a written notice and demand under oath or affirmation, containing the name of the taxable or the husband thereof and the amount of tax due. Upon the presentation of such written notice and demand it shall be the duty of any such corporation, political subdivision, association, company, firm or individual to deduct from the wages, commissions or earnings of such individual employees then owing or that shall within 60 days thereafter become due or from any unpaid commissions or earnings of such taxable in its or his possession or that shall within 60 days thereafter come into its or his possession a sum sufficient to pay the respective amount of the delinquent earned income taxes and costs, shown upon the written notice or demand, and to pay the same to the officer of the Canton Borough within 60 days after such notice shall have been given. Such corporation, political subdivision, association, firm or individual shall be entitled to deduct from the moneys collected from each employee the costs incurred from the extra bookkeeping necessary to record such transaction, not exceeding 2% of the amount of money so collected and paid over to the officer. Upon the failure of any such corporation, political subdivision, association, company, firm or individual to deduct the amount of such taxes or to pay the same over to the officer, less the cost of bookkeeping involved in such transaction, as herein provided, within the time hereby required, such corporation, political subdivision, association, political subdivision, association, company, firm or individual shall forfeit and pay the amount of such tax for each such taxable whose taxes are not withheld and paid over or that are withheld and not paid over together with a penalty of 10% added thereto to be recovered by an action of assumpsit in a suit to be instituted by the officer or by the proper authorities of the Canton Borough as debts of like amount are now by law recoverable, except that such person shall not have the benefit of any stay of execution or exemption law.

PART 3. (RESERVED)

PART 4. LOCAL SERVICES TAX

§ 24-401. Short Title.

[Ord. 540, 11/13/2007]

This Part shall be known and may be cited as the "Borough of Canton Local Services Tax Ordinance."

§ 24-402. Definitions.

[Ord. 540, 11/13/2007]

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Section, except where the context or language clearly indicates or requires a different meaning:

BOROUGH OF CANTON or BOROUGH
The area within the corporate limits of the Borough of Canton.

COLLECTOR
The person, public employee or private agency designated by the Borough of Canton to collect and administer the tax herein imposed.

DCED
The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME
Compensation as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, Section 13, as amended, 53 P.S. § 6913, as amended.

EMPLOYER
An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HE, HIS or HIM
Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL
Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Borough of Canton.

NET PROFITS
The net income from the operation of a business, profession or other activity, as this term is defined in Section 13 (relating to earned income taxes) of the Local Tax Enabling Act, the Act of December 31, 1965, P.L. 1257, Section 13, as amended, 53 P.S. § 6913, as amended.

OCCUPATION
Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, carried on or performed within the corporate limits of the Borough of Canton for which compensation is charged or received, whether by means of salary, wages, commission or fees for services rendered.

TAX
The local services tax at the rate fixed in § **24-403** of this Part.

TAX YEAR
The period from January 1 until December 31 in any year; a calendar year.

§ 24-403. Levy of Tax.

[Ord. 540, 11/13/2007]

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008, upon the privilege of engaging in an occupation with a primary place of employment within the Borough of Canton during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of $52, assessed on a pro rata basis, in accordance with the provisions of this Part. This tax may be used solely for the following purposes as the same may be allocated by the Borough Council from time to time: (A) emergency services, which shall include emergency medical services, police services and/or fire services; (B) road construction and/or maintenance; (C) reduction of property taxes; or (D) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S.A. Ch. 85, Subchapter F (relating to homestead property exclusion). The Borough shall use no less than 25% of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore

levied by the Borough of Canton. The tax shall be no more than $52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

§ 24-404. Exemption and Refunds.

[Ord. 540, 11/13/2007]

1. Exemption. Any person whose total earned income and net profits from all sources within the Borough is less than $12,000 for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

   A. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service, if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veteran's Administration or its successor to be a total 100% disability.

   B. Any person who services as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this paragraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

2. Procedure to Claim Exemption.

   A. A person seeking to claim an exemption from the local services tax shall annually file an exemption certificate with the Borough and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Borough of less than $12,000 in the calendar year for which the exemption certificate is filed. In the event the Borough utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the Borough for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the Borough or except as required by paragraph .B, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring.

   B. With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the Borough that the person has received earned income and net profits from all sources within the Borough equal to or in excess of $12,000 in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the Borough in an amount equal to or in excess of $12,000 in that calendar year, an employer shall withhold the local services tax from the person under paragraph .C.

   C. If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under paragraph .B, the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under paragraph .B, a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this Section, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this paragraph is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the Borough may pursue collection under this act.

   D. Except as provided in paragraph .B, it is the intent of this Section that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from a local services tax.

3. Refunds. The Borough Administrator, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments

and interest on overpayments.[1] Refunds made within 75 days of a refund request or 75 days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed $1. The Borough Administrator or the Collector shall determine eligibility for refunds to exempt persons and provide refunds.

[1] *With respect to refunds, see 53 Pa.C.S.A. § 8425; with respect to interest, see 53 Pa.C.S.A. § 8426.*

§ 24-405. Duty of Employers to Collect.

[Ord. 540, 11/13/2007]

1. Each employer within the Borough of Canton, as well as those employers situated outside the Borough of Canton but who engage in business within the Borough of Canton, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the Borough of Canton and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax from each employee in his or her employ, whether said employee is paid by salary wage or commission and whether or not all such services are performed within the Borough of Canton.

2. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the combined rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest 100th of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Subsection **4** of this Section. For purposes of this subsection, "combined rate" shall mean the aggregate annual rate of the tax levied by the school district and the Borough.

3. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

4. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

5. The tax shall be no more than $52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The Borough shall provide a taxpayer a receipt of payment upon request by the taxpayer.

6. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Borough if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of Subsection **2** of § **24-404** of this Part and this Section and remits the amount so withheld in accordance with this Part.

7. Employers shall be required to remit the local services taxes 30 days after the end of each quarter of a calendar year.

§ 24-406. Returns.

[Ord. 540, 11/13/2007]

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Part, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

§ 24-407. Dates for Determining Tax Liability and Payment.

[Ord. 540, 11/13/2007]

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth-day following the end of each calendar quarter of each such tax year.

§ 24-408. Self-Employed Individuals.

[Ord. 540, 11/13/2007]

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the Borough of Canton shall be required to comply with this Part and pay the pro rata portion of the tax due to the Collector on or before the thirtieth-day following the end of each quarter.

§ 24-409. Individuals Engaged in More than one Occupation or Employed in More than one Political Subdivision.

[Ord. 540, 11/13/2007]

1. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

   A. First, the political subdivision in which a person maintains his or her principal office or is principally employed.

   B. Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision.

   C. Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

   In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

§ 24-410. Nonresidents Subject to Tax.

[Ord. 540, 11/13/2007]

All employers and self-employed individuals residing or having their places of business outside of the Borough of Canton but who perform services of any type or kind or engage in any occupation or profession within the Borough of Canton do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Part with the same force and effect as though they were residents of the Borough of Canton. Further, any individual engaged in an occupation within the Borough of Canton and an employee of a nonresidential employer may, for the purpose of this Part, be considered a self-employed person, and in the event his or her tax is not paid, the Borough shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

§ 24-411. Administration of Tax.

[Ord. 540, 11/13/2007]

1. The Collector shall be appointed by resolution of the Borough Council. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from

each employer or self-employed person, together with the date the tax was received.

2. The Collector is hereby charged with the administration and enforcement of this Part and is hereby charged and empowered, subject to Borough Council approval, to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination of payroll records of any employer subject to this Part, the examination and correction of any return made in compliance with this Part and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal to the Court of Common Pleas of Bradford County as in other cases provided.

3. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

§ 24-412. Suits for Collection.

[Ord. 540, 11/13/2007]

1. In the event that any tax under this Part remains due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this Part, together with interest and penalty.

2. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefore shall, in addition, be responsible and liable for the costs of collection.

§ 24-413. Violations and Penalties.

[Ord. 540, 11/13/2007]

Whoever makes any false or untrue statement on any return required by this Part, or whoever refuses inspection of the books, records or account in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Part shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than $600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Part.

§ 24-414. Interpretation.

[Ord. 540, 11/13/2007]

1. Nothing contained in this Part shall be construed to empower the Borough of Canton to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

2. If the tax herein imposed under the provisions of this Part shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

Chapter 25. Trees

PART 1. SHADE TREE COMMISSION REGULATIONS

§ 25-101. Definitions.

[Ord. 213, 4/8/1958]

The following words and phrases, when used in these regulations, shall have the meanings ascribed to them, except in those instances where the context clearly indicates a different meaning:

COMMISSION
The Shade Tree Commission of the Borough of Canton.

PERMIT
Any permit in writing as issued by the Secretary of the Shade Tree Commission.

PERSON
Any natural person, firm, association, partnership or corporation.

PUBLIC HIGHWAY
Any street, sidewalk or alley open to the public.

SECRETARY
The Borough Secretary in his capacity as Secretary of the Shade Tree Commission.

SHADE TREE
Any tree, shrub or other woody plant on any public highway in the Borough of Canton, or that part of any tree, shrub or other woody plant which extends within the lines of any public highway.
In these regulations the singular shall include the plural and the masculine shall include the feminine.

§ 25-102. Custody and Control.

[Ord. 213, 4/8/1958]

The Commission shall have exclusive custody and control of the shade trees in the Borough of Canton and is authorized to plant, maintain and protect shade trees on the public highways in the Borough.

§ 25-103. Application for Permit.

[Ord. 213, 4/8/1958]

The application for any permit required hereunder shall be made in writing to the Secretary. It shall specify the particular kind of work or operation the applicant desires to perform thereunder and shall state the exact location and the species of any tree affected. It shall be the duty of the Secretary to submit every such application promptly to the Commission for approval or disapproval. The permit shall be effective for such length of time as the Commission shall in each case determine and such time shall be indicated on the permit. Any such permit may be revoked at any time upon proof satisfactory to the Commission that any of the terms or conditions upon which such permit was issued are to have been violated. The Commission, in its discretion, may, as a condition precedent to the issuance of the permit, require the applicant to file a bond satisfactory to the Commission or to deposit security satisfactory to it to guarantee the compliance by the applicant with the terms and conditions upon which such permit is issued.

§ 25-104. Granting of Permit.

[Ord. 213, 4/8/1958]

No person shall plant any shade tree in the Borough of Canton until such a permit therefor is granted, such permit to designate where such tree is to be planted. The Commission may refuse a permit to plant any species of tree which in its opinion is not suited to the location.

§ 25-105. Setting of Trees.

[Ord. 213, 4/8/1958; as amended by Ord. 470, 9/14/1998]

All shade trees planted in and among any of the public highways in the Borough of Canton shall be set so as to form as nearly as possible a straight and uniform line with the other shade trees growing upon the same highway. Said trees shall be planted or set from 25 to 30 feet apart where practicable and shall be sound, straight and symmetrical. Every such tree shall be planted in a pit three feet square filled with good topsoil otherwise enriched and shall have

an open space of ground outside the trunk of said tree with an area where practicable of not less than four feet square for the free entrance of water and air to the roots thereof. Trees appropriate for the location will be advised by the Shade Tree Commission. A list of appropriate trees is available in the Borough Office.

§ 25-106. Trimming and Removal.

[Ord. 213, 4/8/1958; as amended by Ord. 470, 9/14/1998]

1. All shade trees shall be kept trimmed by the owner of the property on or in front of which they are located:
   A. So as not to interfere with the proper lighting of public highways by the street lights.
   B. So that the minimum clearance of any public highway of any overhanging portion thereof shall be 13 feet and eight feet over a sidewalk. Provided, the Commission shall have the authority to designate a higher clearance on any public highway where heavy traffic or other conditions make it expedient.
   C. The property owners remove diseased, damaged or decayed trees or parts of trees in danger of falling and thus injuring persons using streets and sidewalks.
2. If any property owner shall neglect or refuse to trim any shade tree as required by this Section, upon notice in writing by the Commission, within the time limit specified in such notice, the Commission may cause such trimming to be done at the expense of such owner and the entire cost thereof shall be a lien upon said premises and a claim therefor caused be filed and collected by the Borough Solicitor in the same manner as Borough claims are filed and collected.

§ 25-107. Permit Required.

[Ord. 213, 4/8/1958]

No person shall, without first obtaining a permit therefor, cut, break, climb with spurs, injure in any manner or remove any shade tree or cut down or interfere in any way with the main roots of any shade tree or spray any shade tree with any chemical or insecticide or place any rope, guy wire, cable, sign, poster or any other fixture on any shade tree or guard for any shade tree or injure, misuse or remove any device placed to protect any shade tree except in case of immediate necessary for the protection of life and property.

§ 25-108. Impediments to Passage of Water and Air Prohibited.

[Ord. 213, 4/8/1958]

No person shall, without first obtaining a permit, place or hereafter maintain any stone, cement or any other substance which shall impede the passage of water and air to the roots of any shade tree unless such persons shall have an open space of ground surrounding the trunk of such tree, such space to be not less than four feet square.

§ 25-109. Guards to be Placed.

[Ord. 213, 4/8/1958]

In connection with any building operation or the performance of any work whatsoever in the Borough in the vicinity of any shade tree, before any work shall be commenced, guards shall be placed at all shade trees which might be affected by such work so as effectually to prevent injury to them.

§ 25-110. Prohibited Materials.

[Ord. 213, 4/8/1958]

No person shall pour salt water, oil or any other material at any place in such a manner that injury might result to any shade tree.

§ 25-111. Prohibited Attachments.

[Ord. 213, 4/8/1958]

No person shall, without first having obtained a permit therefor, attach any electric wire, insulator or any device for the holding of an electric wire to any shade tree.

§ 25-112. Fastening and Shielding of Wires.

[Ord. 213, 4/8/1958]

Every person having any wire charged with electricity running along or through a public highway shall securely fasten such wire or place an adequate shield thereon so that such wire shall not come into contact with any shade tree so as not to injure the same.

§ 25-113. Taking Down and Pruning.

[Ord. 213, 4/8/1958]

Whenever, in order to take down or prune any shade tree in any public highway or having branches extending over any public highway, it shall be deemed necessary to remove any wire running through or along such public highway the owner of such wire shall temporarily remove the same or cut off the flow of current therefrom within 24 hours after service of written notice from the Commission to do so.

§ 25-114. Enforcement.

[Ord. 213, 4/8/1958]

These regulations shall be enforced by the Commission in conjunction with the Mayor and the Borough Police.

§ 25-115. Penalties.

[Ord. 213, 4/8/1958; as amended by Ord. 470, 9/14/1998]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

§ 25-116. Height of Branches.

[Ord. 436, 6/10/1991; as amended by Ord. 470, 9/14/1998]

1. The owner of any tree in the Borough that has branches that are lower than 13 feet in height and over any street in the Borough must be removed by the owner of the tree or the Borough will remove these branches.
2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than $600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

Chapter 26. Water

PART 1. PUBLIC WATER SYSTEM

§ 26-101. Definitions.

[Ord. 528, 2/13/2006]

1. Unless the context specifically indicates otherwise, the meaning of terms used in this Part shall be as follows.

AUTHORITY
The Canton Borough Authority, a municipal authority of the Borough of Canton organized and existing under the provisions of the Pennsylvania Municipal Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended in 2001 and supplemented.

BOROUGH
The Borough of Canton.

BOROUGH COUNCIL
The governing body of the Borough of Canton.

CONSUMER
The owner of a consumer unit.

CONSUMER UNIT
One or more buildings or parts defined as limited to accord with of the following classifications, whichever applies:

A. A building under one roof occupied by one person or one family or one business.

B. A combination of buildings owned by one party in a common enclosure and occupied by one person or one family or one business.

C. Each side of a double house or each side or part of a building wherein each side or part is occupied by one person or one family or one business, even though there may be certain facilities used in common.

D. Each apartment, office or suite of offices, located in a building having several such apartments, offices, or suites of offices and using one or more halls or common facilities.

PERSON
Any individual, firm, partnership, company, association, society, corporation trust, governmental body or agency, department of political subdivision, thereof or any other group or entity.

WATER SYSTEM
The existing water works, water supply works, and water distribution system facilities, acquired or to be acquired or constructed by this Authority, together with all appurtenant facilities and properties this Authority has acquired or hereinafter shall acquire, from time to time, in connection therewith, including all property, real, personal and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises, and other property or interest in such facilities, together with all additions, extensions, alterations, improvements, and betterments thereof or thereto. An official map of all authority property and rights-of-way shall be maintained at the principal office of this Authority, currently at 100 Park Place, Canton, Pennsylvania 17724.

§ 26-102. Rate Schedule.

[Ord. 528, 2/13/2006]

The rate schedule for the water system of the Authority is set forth in the general rules and regulations of the Authority as from time to time amended and revised.

§ 26-103. Conditions of Service and Application for Service.

[Ord. 528, 2/13/2006]

1. Service connections will be made and water service will be furnished upon written application by the prospective consumer or his proper agent, duly authorized in writing, on a form prepared by the Authority for such purpose, and after approval of such application by the Authority. The application for service shall state the purpose or purposes for which water will be used and such other appropriate information as shall be required by the Authority.

   A. Application for Service Connection. Any property owner desiring the installation of a new or replacement

water or sewer service line or lateral must make the written application on forms furnished by the Authority covering such of the following items as may be required by the Authority.

(1) The location of the proposed service including street and lot number.

(2) The name or names of the owner or owners.

(3) The number of units to be serviced.

(4) The type and size of service to be installed from main to curb (street section) and curb to meter (owner section).

(5) The name of the plumber or contractor to be employed by the owner to install the owner section.

(6) A statement covering the payment of fees and other costs incurred by the Authority or resulting from any mutual agreement either to employ a contractor in common or authorizing the Authority to construct both street and owner sections; and

(a) An understanding or agreement that in either case all construction shall be under the supervision or the Authority and

(b) That title to any section constructed by the Authority shall remain with the Authority.

2. All consumers receiving water service upon the effective date of this Part, by continuing to be thus served, shall be bound by this Part and the water rates, rents, and charges set forth in the rules and regulations of the Authority in effect, and which may be changed from time to time, pursuant to proper action by the Authority. With respect to future consumers, the application of such consumer, by the taking of water, agrees to be bound by this Part and the prevailing water rates, rents and charges of the Authority, whether service is based upon contract, agreement, signed and accepted applications or otherwise.

3. All owners of any improved property benefitted by the water system and within the statutory distance (150 feet) shall be required to connect their water fixtures to the water system within 90 days of notice to connect; providing, however, that the following tax parcels shall be exempt from the provisions of this Part:

A. 14-105.07-021

B. 14-105.07-022

C. 14-105.07-023

D. 14-105.07-039

E. 14-105.01-062

F. 14-105.06-012

4. Any modification, repeal, supplement, or amendment of this Part shall be applicable to and shall govern consumers receiving water service upon the effective date of such modification, repeal, supplement, or amendment, as well as future consumers of the water system.

5. A new application must be made to and approved by the Authority upon any change in the identity of a consumer or upon any change in type or purpose of water service required by a consumer. The Authority, upon five days' written notice, may discontinue water service until such new application has been made and approved.

6. The Authority shall make all connections to its mains after application for connection and required tapping fees are received. This connection and installation cost for installation from the main to the curb line will be at the expense of the prospective customer and maintained thereafter by the Authority.

7. All service lines from the curb box to the structure (and through the wall of the structure and housing facility for the meter, if any) to be served shall be installed according to Authority specifications by the prospective consumer, at his own expense, in accordance with the general rules and regulations of the Authority.

8. No service line shall be laid in the same trench with a gas pipe, drain or sewer pipe or any other facility of a public service company, but must be laid in a separate trench not less than five feet from any such facility.

9. Service connections will be made only after the prospective consumer has completed installation of his service line from the structures to be served to the curb box, or has given assurance, satisfactory to the Authority, of his

intention to do so.

10. No service connection from the main to the curb box will be installed by the Authority when street or highway openings are prohibited by the Authority or when, in the judgment of the Authority, working conditions are unreasonable for such installation.

11. There shall be placed on the service line, immediately within the wall of the structure to be served and so located as to drain all of the pipes in the building, a stop and waste cock, easily accessible to the occupants for their protection, enabling them to turn off water in case of leaks and to drain pipes to prevent freezing.

12. The size of the service connection from the main to the curb box necessary to serve adequately a consumer and the location of such service connection shall be determined by the Authority. If any applicant for water service shall request a service connection of a greater capacity than that determined by the Authority to be adequate, or if any such applicant shall request a service connection of a greater capacity than that determined by the Authority to be adequate, or if any such applicant shall request that a service connection be located in a location different from that determined by the Authority, the Authority, in its discretion, may install such service connection in accordance with the request of the applicant.

13. When it is necessary to replace an existing service connection from the main to the curb box, the Authority will replace said connection in the same location as the old service connection; provided, however, that if the consumer, for his own convenience, desires the new connection at some other location and agrees to pay to the Authority all expenses of cutting off the old service connection at the main and any other additional costs incurred by the Authority in complying with said request, then the Authority will install the new service connection at the location desired, if said location is approved by the Authority.

14. Only persons properly authorized by the Authority shall be permitted to make service line and service connection installations.

15. All excavations made within street or road right-of-way lines shall be made only after a permit has been issued by the Authority, and the work of excavation and back-filling and replacement of pavement shall be done in strict accordance with Authority specifications and subject to Authority inspection and approval.

16. All consumers shall keep and maintain their service lines, valves and apparatus in good repair and condition shall protect the same from frost, and shall prevent all waste of water.

17. All leaks in service lines from the curb box to, in and upon the premises supplied with water shall be repaired promptly by the consumer, at his own expense. Upon failure of such consumer to make such repairs, within a period of five days (or a reasonable time determined by the Authority), the Authority, in its discretion, may discontinue water service to such property, after which water service shall not be restored until and after the consumer shall have completed the repairs and paid to the Authority the full amount of all proper and necessary expenses incurred by the Authority in discontinuing and again restoring water service.

18. The Authority shall not be responsible for maintenance of any service line or any other line, pipe, or fixture on the outlet side of the curb box, nor shall the Authority be responsible for any damage resulting from escape of water from any service line or any pipe or fixture on the outlet side of the curb box. The consumer at all times shall comply with all State and municipal regulations relating to service lines and any pipes and fixtures on the outlet side of curb box and the Authority shall not be required to deliver water service thereto unless so approved. The consumer, at his own expense, shall make any and all changes to such service lines, pipes, and fixtures which shall be required or made necessary as a result of any change of grade, relocation of mains or distribution lines or otherwise.

19. No consumer shall direct, in any manner whatsoever, water being furnished to such consumer to any other person, except with written permission of the Authority first having been requested and granted.

20. No person obtaining water from a private water supply, under any circumstances, shall construct or maintain or cause or permit to be constructed or maintained, any connection directly or indirectly, between such a private water supply and the water system.

21. A separate service connection and curb box shall be installed for each consumer unit; provided, however, that if a building, house or other structure contains two or more consumer units, and the owner or owners thereof shall so request in writing or the Authority shall deem it advisable, the Authority in its discretion, may install a single service connection and box for such building, house or other structure.

§ 26-104. Meters.

[Ord. 528, 2/13/2006]

1. All meters shall be furnished by the Authority, and shall be accessible to and under the control of the Authority, and shall remain the property of the Authority.

2. Meters shall be conveniently located within the structure supplied or in facilities for the housing thereof satisfactory to the Authority, at a point approved by the Authority; so as to control the entire water supply; and a proper place and protection therefore shall be provided by the consumer at his expense. In any case where it is not convenient to place the meter within the structure, or where the service line from the curb box to the structure to be serviced is more than 100 feet in length, the Authority may permit the meter to be placed outside the structure in a vault or meter pit, which shall be frost free, and provided with a suitable cover. Said vault to Authority's specifications, subject to prior Authority approval as to location and construction. Said vault shall be built at the expense of the consumer.

3. The Authority reserves the right to determine when a meter shall be installed and the size of each meter installed.

4. Meters will be maintained by the Authority as far as ordinary wear and tear is concerned, but the consumer shall be responsible to the Authority for any damage to or loss of any meter arising out of or caused by the consumer's negligence or carelessness of that person living upon or being upon his premises, under his employment, or by consent or sufferance, whether such damage or loss shall be caused by freezing, hot water, or other cause whatsoever. The consumer shall permit no one, except an agent of the Authority or others lawfully authorized so to do, to remove, inspect or tamper with the meter or other property of the Authority on his premises.

5. The charge for reinstallation of meters when removed because of damage in any way for which the consumer is responsible under Subsection **4** shall be fixed by the Authority in its general rules and regulations.

6. All meters will be sealed by the Authority and the breaking of meter seals, other than by an agent of the Authority, will be cause for discontinuance of service.

7. The quantity of water recorded by the meter shall be conclusive on both the consumer and the Authority, except when the meter has been found to be registering inaccurately or has ceased to register. In either case excepted above, the meter shall be repaired promptly by the Authority, and the quantity of water consumed for the billing period when the meter was out of service or registering inaccurately shall be estimated by the average registration of the meter on the three previous corresponding billing periods.

8. The Authority shall have the right of free access at all reasonable times to the premises in or on which a meter is installed for purposes of setting, reading, testing, inspecting and/or repairing the same.

§ 26-105. Discontinuance of Water Service.

[Ord. 528, 2/13/2006]

1. Water service to any consumer may be discontinued for any of the following reasons:

   A. Misrepresentation of a substantial nature, in the application for service, including, but not limited to, misrepresentation as to the property or fixtures to be supplied or the use to be made of the water supplied.

   B. Failure to make payment of a bill for water service following the payment schedule set forth in the general rules and regulations of the Authority.

   C. Failure to properly maintain the connections, service lines, and other fixtures of the consumer or to protect the meter or connections, service lines, and other fixtures, of the consumer from freezing and other damage.

   D. Use of water for any property or purpose other than as stated in the application for service.

   E. Willful waste of water through improper or imperfect pipes, fixtures or otherwise.

   F. Tampering with or molesting any service connections, pipe, meter, curb box, curb stop or seal, valve, valve seat, fire hydrant or any other appliance operated by the Borough in the water supply system.

   G. Failure to pay any water or sewer bill properly due the Authority if requested by the Authority.

H. Vacancy of any premises not reported to the Authority.

I. Violation of any of this Part or any ordinance which may be adopted in the future by the Borough pertaining to the water system.

J. Violation of the general rules and regulations of the Authority which may from time to time be amended and revised.

K. Refusal to permit access for inspection of water facilities on the premises served or for setting, reading, testing, and/or repairing the meter.

2. After discontinuance of water service for any of the reasons set forth in Subsection **1**, water service shall not be restored until the violation has been corrected, all damage and loss to the Authority or the Authority occasioned by such violation has been paid, and proper assurance, satisfactory to the Authority, has been given that the expenses incurred by the Authority in discontinuing and restoring water service shall be paid by the consumer in advance of the reestablishment of water service, which shall include a charge delineated in the general rules and regulations of the Authority.

§ 26-106. Fire Protection.

[Ord. 528, 2/13/2006]

1. Water from public or private fire hydrants or other fire protection systems shall be used only in the case of fires, except that water from public fire hydrants may be used, in a reasonable amount, for the purpose of testing the hydrants and fire fighting apparatus, such tests to be conducted only by the properly authorized agents or employees of the Authority, under the supervision of the Canton Fire Department (Innes Hose Company). No public fire hydrant shall be used for the sprinkling of streets, roads or alleys, for flushing of sewers or gutters or for any purpose other than fire protection unless specifically permitted in writing by the Borough.

2. Every consumer, by the taking of water, understands and agrees that the Borough, by providing public and/or private fire protection service, does not contemplate any special service, pressure, capacity or facility other than that ordinarily provided in normal operation. The Borough and the Authority declare themselves free and exempt from any and all claims for injuries or damage to persons and/or property by reason of fire or water, or failure to supply water pressure or capacity.

§ 26-107. Payment of and Liability for Bills.

[Ord. 528, 2/13/2006]

1. All bills are due and payable when rendered and payment is required within 15 days from the date of the bill.

2. All bills for the use of water are charged against the owner of the premises served, and the property where the water is used. Failure to receive bills for water service repairs does not relieve the owner from liability to pay. The burden is upon the owner of the property to keep track of all unpaid water bills. All unpaid bills for water service, three months or more delinquent, may result in a lien against said property in the amount of said unpaid bills together with any legal costs, filing fees and legal interest related to said lien.

   The owner of the premises is responsible for any unpaid bill, and is subject to all other requirements pertaining to the payment of said bill.

3. All water passing through a meter, or otherwise used by a consumer, shall be charged for in accordance with the schedule of rates, rents, and charges in effect at the time and no allowance will be made for excessive consumption due to leaks or waste.

4. There shall be a standard service charge imposed for all checks returned for insufficient funds or for a closed account or for any other reason as set forth in the general rules and regulations of the Authority. The Authority may pursue a criminal prosecution under 18 Pa.C.S.A. § 4105 (relating to bad checks) or may treat the bill as unpaid and proceed as provided in Subsections **1** and **2** whenever a "bad check" is received for payment of a bill.

§ 26-108. Extension of Street Mains.

[Ord. 528, 2/13/2006]

1. When application has been received for water service requiring an extension of main or the installation of a new fire hydrant, or when application has been received for extension of main in to a newly developed tracts of land, a deposit must be made by the applicant covering the entire estimated cost of installing the necessary pipe lines and appurtenances other than service connections, as determined by the Authority.

2. Such deposit will not bear interest.

3. A portion of such deposit is to be returned to the depositor when and as houses abutting on such pipe lines are completed, the prospective consumer's equipment installed, the house occupied by a bona fide owner or tenant, and a contract entered into for use of the Authority's service.

4. Upon such completion and occupation there shall be returned the depositor an amount equal to 4 1/2 times the estimated annual revenue for each property connected.

5. No part of the deposit remaining over 12 years is to be returned.

§ 26-109. General Conditions.

[Ord. 528, 2/13/2006]

1. All waste of water is prohibited. No consumer shall allow water to run to waste or to run merely to prevent freezing. Each consumer shall keep his faucets, valves, service lines, hose, etc., in good order and condition at his own expense.

2. As necessity may arise in case of break, emergency or other unavoidable cause, the Authority shall have the right to temporarily cut off or limit water supplied in order to make necessary repairs and connections, and for other necessary purposes. The Authority will use all reasonable and practical measures to notify the consumer in advance of such limitation of service, if possible. (In emergency situations, such notifications may not be possible.) The Authority shall not be liable for any damage or inconvenience suffered by the consumer, nor in any case for any claim against it at any time, for interruption in service, lessening of supply, inadequate pressure, poor quality of water, or any cause beyond its control.

3. The Authority shall have the right at all times to restrict or regulate the quantity of water used by consumers in the case of scarcity or drought, or whenever the public welfare may require such control. The Mayor, or in his absence, any duly designated member of the Borough Council, may declare a water emergency under this rule.

4. The Authority will not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or other facilities or any other cause beyond its control.

5. Water shall not be turned on in any premises by any person not an agent or employee of the Authority, except temporarily by a plumber to enable him to test his work, provided it shall be turned off again immediately after the test is made.

6. In cases of vacancy, the consumer must notify the Authority in writing of such vacancy, and upon his failure to do so will become responsible for any damage to the property of the Authority arising from such failure.

7. No interconnection or cross-connection shall be made or permitted between the water system and any other water supply. No fixture, device, or fitting shall be installed which will permit or provide a backflow connection between the water system and any well, drainage system, soil pipe, or waste pipe which would permit or make possible the backflow of sewage into the water system.

8. No person, unless specifically authorized to do so, shall open or close any of the valves, fire hydrants, etc., in any public water line owned and maintained by the Authority.

9. Any duly authorized representative of the Authority whose identification as such duly authorized representative has been established in a reasonable manner, upon reasonable cause shown, shall be authorized upon and to have full access to the premises then being supplied with water from the water system for the purpose of inspecting the facilities, employed in connection with the use of water from the water system and for the purpose of setting, reading, repairing, or removing meters.

10. Contractors, builders, or others will be required to obtain a written permit from the Authority before using water for building or construction purposes. The Authority may require a deposit upon application for building and construction purposes.

11. Consumers using the water supply for steam boilers and, depending upon the hydraulic and hydraulic pressure in the pipe system of the water system for supplying such boilers, will do so at their own risk. The Authority will not be responsible for any accidents or damage to which such devices may be subjected. The water supply line to the boiler shall be provided with a stop valve to shut off supply.

12. House boilers for domestic use must be provided with vacuum valves in all cases in order to prevent collapsing when water is shut off from the distribution pipes. The Authority will not be responsible for accidents or damage resulting from imperfect installation or operation of such valves. House boilers shall be provided with a stop valve to shut off supply.

13. No water will be furnished to any premises where any possibility exists of mingling of the water furnished by the Authority with water from any other source; nor will the Authority permit its mains or service pipe to be connected in any way to any piping, tank, vat or other matter which may flow back into the Authority's service pipe connected into the Authority's service pipes or mains and consequently endanger the water supply. An exception may be made to this rule, at the option of the Authority, provided proper safeguards are installed, which shall be inspected and have the approval of the Authority, appropriate insurance underwriters, and the Pennsylvania Department of Environmental Protection, if required.

14. The Authority shall not be liable for any damage resulting from leaks, broken pipes, or any other cause occurring to or within any house or building; and it is expressly stipulated by and between the Authority and the consumer that no claims shall be made against the Authority on account of the busting or breaking of any main or service pipe or any attachment to the water system.

15. The Authority shall be under no obligation at any time to make any extension to its then existing water mains, but may do so upon the written request of one or more prospective consumers, either wholly or in part at the expense of said prospective consumer or consumers, at the option of the Authority. In so far as possible, all water mains owned and maintained by the Authority shall be constructed within a public road or street right-of-way, or within an easement to allow access provided for such purpose across private property, said easement at any time to inspect, repair, replace, or construct the necessary facility.

16. The Borough reserves the right to change, revise, and amend this Part.

§ 26-110. Rights Reserved by the Borough.

[Ord. 528, 2/13/2006]

The Borough reserves the right to repeal, amend, or modify this Part or any part thereof in such manner and at such times as, in the opinion of the Borough Council, shall be necessary and/or desirable, all after due legal procedure, and to be in the public interest of the residents of the system service area.

Chapter 27. Zoning

ATTACHMENTS
Attachment 1 - Sign Types
Attachment 2 - Zoning Map

PART 0. INTRODUCTION

The Canton Borough Council adopted its original Zoning Ordinance in November, 1976, in accordance with the Canton Borough Comprehensive Development Plan of 1976 to "consider the character of the municipality, its various parts, and the suitability of various parts for the particular uses and structures." Since that time, Granville Township, Canton Borough and Canton Township have jointly developed and adopted the Joint Community Comprehensive Plan 2003-2005 that updates anticipated goals and objectives for the region and its individual municipalities. The Borough Planning Commission has been charged with updating the previous Ordinance and intends to provide consistency between the recognized plan goals and the standards set forth within this Ordinance Amendment.

§ 27-001. Legal Basis for Zoning

The Pennsylvania Municipalities Planning Code (MPC) is the enabling legislation for local governments to zone and adopt Zoning Ordinances. According to the MPC, Zoning Ordinances should reflect the policy goals and community objectives of any adopted municipal Comprehensive Plan, and give consideration to the character of the municipality, the needs of the citizens and the suitabilities and special nature of particular parts of the municipality.

Under the MPC, Zoning Ordinances are regulated as follows:

Except where in conflict with other regulations, Zoning Ordinances may permit, prohibit, regulate, restrict and determine:

(1) Uses of land, watercourses and other bodies of water;

(2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;

(3) 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;

(4) Density of population and intensity of use; and

(5) Protection and preservation of natural and historic resources and prime agricultural land and activities.

Zoning Ordinances may contain:

(1) Provisions for Special Exceptions and Variances administered by the Zoning Hearing Board in accordance with the MPC;

(2) Provisions for Conditional Uses to be allowed or denied by the Borough Council, pursuant to public notice and hearing and recommendations by the Planning Commission and pursuant to express standards and criteria set forth in the Zoning Ordinance;

(3) Provisions for regulating transfer of development rights, on a voluntary basis, including provisions for the protection of persons acquiring the same in accordance with the MPC;

(4) Provisions for the administration and enforcement of the Zoning Ordinance;

(5) Such other provisions as may be necessary to implement the purposes of the MPC;

(6) Provisions to encourage innovation and to promote flexibility, economy and ingenuity in development, including subdivisions and land developments;

(7) Provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the Zoning Ordinance; and

(8) Provisions to promote and preserve prime agricultural land, environmentally sensitive areas and areas of historic significance.

Zoning Ordinances may include provisions regulating the siting, density and design of residential, commercial, industrial and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources.

Zoning Ordinances may not unduly restrict the display of religious symbols on property being used for religious purposes.

Zoning Ordinances may not unreasonably restrict forestry activities. Forestry activities, including, but not limited to, timber harvesting, shall be a permitted use by right in all zoning districts in every municipality.

Zoning Ordinances shall protect prime agricultural land and may promote the establishment of Agricultural Security Areas.

Zoning Ordinances shall provide protection of natural and historic features and resources.

Zoning Ordinances shall encourage the continuity, development and viability of agricultural operations.

Zoning Ordinances may not restrict agricultural operations or changes to or expansions of agricultural operations in geographic areas where agriculture has traditionally been present, unless the agricultural operation will have a direct adverse effect on the public health and safety.

Zoning Ordinances shall provide for the reasonable development of minerals within the Borough.

Zoning Ordinances and all local ordinances regulating oil and gas operations shall allow for the reasonable development of oil and gas resources (Act 13 of 2012).

Zoning Ordinances shall permit No Impact Home-Based businesses in all residential zones of the Borough as a use Permitted by Right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

§ 27-002. Preparation and Enactment of the Zoning Ordinance.

The specific procedures for the preparation, enactment and amendment of a Zoning Ordinance are set forth in the Pennsylvania Municipalities Planning Code (MPC). Following these procedures is extremely important since they set precedents to the validity of a Zoning Ordinance. Failure to abide by the MPC requirements could result in a Zoning Ordinance being declared null and void by a court of law in any legal challenge to the ordinance.

§ 27-003. Purpose of Zoning.

The Pennsylvania Municipalities Planning Code (MPC) sets forth the purpose of a Zoning Ordinance as follows:

(1) To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading spaces, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains;

(2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;

(3) To preserve prime agriculture and farmland considering topography, soil type and classification and present use;

(4) To provide for the use of land within the borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks; and

(5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 27-004. Adoption of the Zoning Ordinance.

The responsibility for the preparation of a Zoning Ordinance is granted to the Planning Commission by the MPC. Under instruction from the Canton Borough Council, the Borough Planning Commission shall prepare the text and map of the proposed Zoning Ordinance, and surveys preliminary thereto. The Borough Planning Commission shall hold at least one Public Meeting pursuant to Public Notice. Upon completion of its work, the Borough Planning Commission shall present to the Borough Council the proposed Zoning Ordinance, together with recommendations and explanatory materials. Prior to enactment of a Zoning Ordinance, the Borough Council shall hold a Public Hearing, pursuant to Public Notice. At least 45 days prior to the Public Hearing, the Borough Council shall submit the Zoning Ordinance to the County Planning Agency for comments and/or recommendations.

Procedures vary slightly for amendment to a Zoning Ordinance and are found in the MPC. The ordinance codified in this Chapter is Ord. 578, passed March 9, 2015.

PART 1. GENERAL PROVISIONS

§ 27-100. Authority.

[Ord. 578, 3/9/2015]

The ordinance codified in this Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code," July 31, 1968, as amended.

The Council of Canton Borough, Bradford County, PA, under the authority cited above, does hereby ordain that this Zoning Ordinance was enacted in order to promote and protect the health, safety, morals and general welfare of the

residents of the Borough.

§ 27-101. Title.

[Ord. 578, 3/9/2015]

The ordinance codified in this Chapter shall be known and may be cited as "The Canton Borough Zoning Ordinance of 2014" and intends to serve as a comprehensive revision of the Canton Borough Zoning Ordinance dated November 8, 1976.

§ 27-102. Purpose of Enactment.

[Ord. 578, 3/9/2015]

1. The Zoning Ordinance is enacted for the following purposes:

   A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, the provision of adequate light and air, and other public requirements;

   B. To prevent one or more of the following: overcrowding, blight, loss of health, life or property from fire, flood or other dangers;

   C. To adopt a Zoning Map dividing Canton Borough into zoning districts with varying regulations;

   D. To permit, prohibit, regulate and determine the uses of land, water courses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of buildings and structures, as well as yards and other open areas to be left unoccupied;

   E. To establish the maximum density and intensity of uses;

   F. To provide for the protection of natural and historic features and resources;

   G. To protect existing residential neighborhoods;

   H. To promote innovative residential design and encourage the creation of a sense of community;

   I. To provide diverse housing opportunities, including housing that is affordable;

   J. To encourage adaptive reuse and infill development within the central downtown business district;

   K. Where applicable, provide for the reasonable development of minerals and natural resources;

   L. To act as an overall plan for the orderly growth and development of Canton Borough and as such seek to implement the components of the Joint Community Comprehensive Plan for the Communities of Granville Township, Canton Borough and Canton Township; and

   M. Facilitate appropriate development of the Borough, protect the tax base and encourage economy in public expenditures.

§ 27-103. Community Development Goals and Objectives.

[Ord. 578, 3/9/2015]

This Chapter provides a legal basis and framework for future development within Canton Borough. Its provisions were guided by the policy recommendations set forth in the 2003-2005 Joint Community Comprehensive Plan for the Granville Township, Canton Borough and Canton Township, adopted by resolution of the Canton Borough Council on October 10, 2005. The following list of Goals and Objectives were taken verbatim, and represent the Borough's legislative findings with respect to historical and cultural resources, natural resources and sensitive areas, housing, land use, transportation, community facilities and utilities, economic development, institutional/regulatory and other factors which the Council believes relevant in guiding the future development of the municipality. The highlighted Goals and Objectives are specific to Canton Borough:

HISTORIC AND CULTURAL RESOURCES

Goal: To preserve and conserve the rich agricultural and commerce history and heritage resources of the Canton/ Granville area.

Objectives:

To encourage and work with the Endless Mountains Heritage Region, the Bradford County Historical Society, and other area historic and heritage development organizations to further document and catalog important sites and themes related to the agricultural heritage of the Canton/Granville Area.

To encourage and work with the Endless Mountains Heritage Region, the Bradford County Historical Society, and other area historic and heritage development organizations to further document and catalog important sites and themes related to the manufacturing heritage of the Canton Area.

To encourage and work with the Endless Mountains Heritage Region, the Bradford County Historical Society, and other area historic and heritage development organizations to further document and catalog important sites and themes related to the commercial heritage particularly of Canton Borough.

To encourage and work with the Endless Mountains Heritage Region, the Bradford County Historical Society, and other area historic and heritage development organizations to further document and catalog important sites and themes related to the western migration of the population reflected in the settlement of the Canton/Granville Area.

To develop and provide informational signage for historic and architecturally significant structures, existing and gone, including Minnequa Springs, the Charles Lee's Great London Shows circus, the Train Station, and structures or sites not yet recognized.

Goal: To recognize the importance and improve the visibility of transportation in telling the story of the heritage of the Canton/Granville Area.

Objectives:

To encourage and work with the Endless Mountains Heritage Region, the Bradford County Historical Society, and other area historic and heritage development organizations to further document the role of highways (i.e., Route 6, Pennsylvania Routes 14, 414 and 514) and rail service in the heritage of the Canton/Granville Area.

To coordinate and work with the Pennsylvania Route 6 Heritage Corporation and the Pennsylvania Route 6 Tourist Association focusing on the interrelationship between nearby U.S. Route 6 and the agricultural, commerce, migration and manufacturing heritage of the Canton/Granville Area.

NATURAL RESOURCES AND SENSITIVE AREAS

Goal: To preserve and conserve the critical natural and environmental features that define the Canton/Granville Area and enhance its quality of life.

Objectives:

To preserve viewsheds characterized as forested uplands, scattered steeply sloping areas and agricultural valleys.

To preserve area streams and creeks, especially those stocked with and/or sustaining fish and/or drinking water.

To preserve and maintain other water resource areas such as groundwater recharge areas typically in the middle and upper sections of ridges especially in southeastern, central and western sections of Canton Township and scattered throughout Granville Township; and spring areas predominantly in the south central section of Granville Township and southeastern central and western sections of Canton Township.

To preserve and enhance areas identified as being of local significance, including Minnequa Springs, Canton Lake, local houses of worship, Manley Bohlayer Farm and good and/or active agricultural land.

To preserve and maintain agricultural activities, especially on existing farms and in areas having prime agricultural soils.

To foster development in existing built-up areas and in identified growth centers.

To provide sewerage facilities to built-up and clustered areas of the Townships, as necessary to maintain the quality of the existing water supply and prevent ground contamination resulting from malfunctioning on-lot sewage disposal systems and/or untreated discharges.

To seek designation of State Route 414 as a Pennsylvania Byway, bringing together transportation, land use and natural resources.

HOUSING

Goal: To preserve and conserve the critical natural and environmental features that define the Canton/Granville Area and enhance its quality of life.

Objectives:

To provide opportunities for the development and revitalization of all types of housing throughout the Canton/ Granville Area, providing for a range of choices related to location, type and cost.

To provide a mechanism for housing rehabilitation for low- and moderate-income homeowners and to focus on the resolution of housing rehabilitation needs that include concentrated rehabilitation needs in sections of the Borough, and highly scattered rehabilitation needs in the Townships.

To encourage the retention of the architectural integrity of residential structures in the Canton/Granville Area, especially during renovation, partitioning and rehabilitation activities.

To encourage the development of residential subdivisions in concert with the concept of Conservation Subdivisions in scale with the rural character, land use pattern, Natural Resources and Sensitive Areas and infrastructure capacity in the Townships of Canton and Granville.

To encourage the development of seasonal homes, hunting/fishing cabins and other forms of light density second-home residential development well-planned in concert with local land use patterns and Natural Resources and Sensitive Areas in the Townships of Granville and Canton.

To provide a mechanism by which new residents, young families and other prospective home-owners on moderate incomes may acquire and rehabilitate existing housing units coming available on the market via first-time homeowner programs.

To provide for the maintenance of the existing housing stock and exterior property condition by the enactment and enforcement of a property maintenance or existing residential structures ordinance.

To provide a mechanism for the demolition of severely dilapidated and/or derelict housing units that may have been abandoned by former owners.

LAND USE

Goal: To ensure orderly, appropriate and compatible growth that will result in well-planned and efficient development of Canton/Granville Area.

Objectives:

To encourage balanced development among the various land uses required to meet current and future local needs, in concert with the rural and passive open space orientation and developmental pattern prevalent with the Canton/ Granville Area.

To encourage the coordination of sanitary sewer, water service and land use planning in Canton and Granville Townships, appropriate to reflect the concept of growth areas and clustering in development of appropriate areas reflecting future land use recommendations of this plan.

To encourage the revision, enactment and enforcement of a revised land use ordinance in Canton Borough, appropriate to regulating renewal activities, downtown development, mixed uses and traditional neighborhood development, and in-fill development while preserving community physical, environmental and historic assets.

To discourage future "strip" or linear development along major highways, especially PA Routes 14 and 414, and encourage in-fill development within or directly adjacent to the existing built-up areas, villages and development concentrations in concert with local Natural Resources and Sensitive Areas, physiographic characteristics and constraints.

To encourage the preparation and enactment of local Subdivision and Land Development Ordinances in the Borough and Townships, administered by the County, that provide local oversight over subdivisions and land developments in relation to highway access, design standards in keeping with local needs, stormwater management, water supply, sewage disposal, Natural Resources and Sensitive Areas and other pertinent and unique factors are taken into account.

To encourage innovative and creative approaches to residential and nonresidential development including the "cluster" concept; traditional neighborhood development; the incorporation of public open spaces, plazas and commons; aesthetic design and location of parking areas; pedestrian walkways trails and passages; and attention to vistas and viewsheds in future development.

Goal: To encourage and pursue the land development concepts of growth centers, village center and in-fill development, based on planning that links access, infrastructure, and past development patterns.

Objectives:

To develop areas within and adjacent to existing development, thereby enabling the most efficient and economic provision of basic community facilities and public utilities.

To prioritize the reuse of existing developed land and vacant structures throughout the Canton/Granville Area.

To assure that relevant residential and nonresidential development is carried out in a way that preserves and enhances the stately and historic structures.

To encourage a commercial growth center in Canton Borough within the central business district, and an industrial development corridor on the eastern edge of the Borough along Route 414.

To encourage the development of a small mixed-growth center in the villages of East Canton, Granville Summit and Granville Center, comprised of residential, mixed, public and small commercial uses.

Goal: To promote harmony between existing development, future development, and the natural environment.

Objectives:

To preserve environmentally sensitive land such as floodplains, wetlands, and steeply sloping areas, historic, architecturally significant and heritage resources; passive open and sporting areas; and Natural Resources and Sensitive Areas from inappropriate development.

To maintain and enhance recreational opportunities and preserve open space for use by existing and future residents.

To encourage the creation of environmentally neutral business and industry with new employment opportunities for existing and future residents.

To enact or revise local land use and land development ordinances to better anticipate and guide development, and consider the implementation of such ordinances in a regional format embracing the Townships and Borough.

To encourage the enhancement and retention of agriculture of a land use and component of the economic and tourism base of the Canton/Granville Area by protection via zoning, inclusion of Agricultural Security Areas, involvement in the Pennsylvania Agricultural Conservation Easement Program, the Pennsylvania Next Generation Farmer Loan Program, and the development and maintenance of Farmer's Markets.

TRANSPORTATION

Goal: To assure that a safe and efficient transportation network is maintained throughout the Canton/Granville Area for automobiles, trucks, motorcycles, bicycles, and pedestrians.

Objectives:

To coordinate efforts with the Pennsylvania Department of Transportation, Northern Tier Regional Planning and Development Commission and the Bradford County Planning Commission for the continuation of traffic safety improvements along Routes 14, 414 and 514 including shoulder widening, intersection improvements, turning lanes and surface improvements.

To provide candidate projects for submission to the Northern Tier Regional Planning and Development Commission and Bradford County Planning Commission and the Pennsylvania Department of Transportation for other transportation improvements for inclusion in the 12 Year Improvements Program on a biannual basis.

To assure that state secondary highways in the Canton/Granville Area are maintained in acceptable conditions in relation to surfacing and maintenance.

To create a more pedestrian friendly environment on PA Route 14 in the central business district of Canton Borough through traffic calming techniques.

To develop a sidewalk/trail interface between the Canton Borough Business District and near-by stream corridors.

To seek designation of State Route 414 as a Pennsylvania Byway, bringing together transportation, land use and natural resources.

COMMUNITY FACILITIES

Goal: To provide an adequate level of community facilities, utilities, and public services that are necessary to meet the needs of existing residents, persons anticipated to move into the area, and visitors.

Objectives:

To provide a venue for community events, concerts, theater and other public events in the centrally located historic venue provided by the Rialto Theater.

To enhance the role of Memorial Park as a community asset by pursuing a strategy focused on structural and non-structural improvements that improve the facilities, operation and year-round accessibility of the park.

To encourage the Endless Mountains Transportation Authority to carry out service improvements for the Canton/ Granville Area in the form of more frequent service.

To complete the sidewalk/trail link between the business district and nearby stream corridors serving local residents and visitors.

To acquire or develop a new Township Municipal Building in Granville Township to better serve the future needs of the Township and enhance the concept of village center development.

To assure that residential and other development in the Township not connected to a public or package sewage treatment system are served by an adequate, operational and functional on-lot sewage disposal system or community system.

To revise the Township's Act 537 sanitary sewer plans to analyze the feasibility and benefits of a community treatment system in the larger villages and the land use concepts of growth areas and cluster development.

To encourage the development of a neighborhood recreational facility near the village of Granville Center.

To encourage the development of open and/or recreational areas in subdivisions as a requirement of the SALDOs governing development in the Townships.

To encourage greater interlocal government cooperation among the three area municipalities on a number of issues.

To require new residential subdivisions and commercial developments to tie into public water and public or package sewer systems.

ECONOMIC DEVELOPMENT

Goal: To work toward the development of a diversified economic base balancing the employment needs of local and regional residents, the need to attract and retain younger people, and the physical capacity and developmental capacity of Canton/Granville Area.

Objectives:

To work with and through the Western Bradford Development Corporation (WBDC) in coordinated regional economic development initiatives in the Canton/Granville Area and in Western Bradford County as a whole.

To pursue an economic development strategy that seeks to preserve and expand employment opportunities within industries of historic importance to residents of Canton/Granville Area, including light manufacturing, retail trade, educational services, and agriculture.

To encourage the designation and implementation of the Route 14 Corridor between the Canton and Troy Areas as a regional development corridor.

To concurrently pursue the development of new businesses and industries including those in information technology and applied advanced technology.

To work with the WBDC, County, Regional and State developmental agencies in the expansion of the lumber and wood products cluster already in Western Bradford County, further building on natural resources of Canton/Granville Area and surrounding areas.

To work with the Canton Area School District and post-secondary institutions in the region in the development and maintenance of programs involving the training and re-training of residents to meet the needs of the changing economy.

To work with and through the WBDC in incorporating areas strengths and developmental incentives in place into developmental efforts, including combined Industrial Development Authorities serving the Canton/Granville and Troy Areas, the possible use of Paper Magic Building as speculative shell/incubator space, the work ethic of local residents, the quality of life in the area and the very reasonable cost of living offered by the area.

To continue to work toward the resolution of public infrastructure gaps (i.e., sanitary sewers) which provide obstacles to orderly development.

Goal: To pursue economic development in concert with proper land use and environmental characteristics, which reinforces preserves and builds on the unique physical characteristics and rural nature of Canton/Granville Area.

Objectives:

To encourage development within or adjacent to existing villages and growth centers on PA Routes 14, 414 and 514 and to avoid linear or "strip" development along the entire length of these highways the context of infrastructure, physiographic, environmental and aesthetic conditions.

To coordinate closely with the Pennsylvania Route 6 Tourist Association, the Pennsylvania Route 6 Heritage Corporation, the Endless Mountains Visitors Bureau and other agencies in the development of a local heritage tourism capacity and agency to promote heritage themes of the Canton/Granville Area focusing on agriculture, commerce and the rural quality of life.

To encourage the marketing of farming opportunities and work with WBDC, the Commonwealth and others in developing an incentives package for attracting new farmers and retaining existing farmers.

To build upon the proximity of the Elmira, Williamsport, and Towanda areas as regional assets and potential areas of employment for existing and potential residents who may be attracted to residential opportunities afforded by the small town and/or country living style of life of the Canton/Granville Area.

To incorporate unique regional economic base magnets of the Canton/Granville Area into business attraction efforts for allied or otherwise related industries or business.

To encourage Mansfield University, Elmira College and/or other nearby institutions of higher education to establish a satellite presence in the Canton/Granville Area.

To work with the existing property owner in finding a better and higher economic use for vacant developable land and structures.

Goal: To improve and diversify the Canton Borough Business District as the business activity area for the Canton/ Granville Area and the larger region.

Objectives:

To pursue a Downtown Revitalization Strategy focused on structural and non-structural activities and improvements, including facade improvements, sidewalk and trail improvements, streetscape improvements (benches, lighting and banners), tourism, promotions and other management activities, recruitment of new business, and employee parking area/arrangements.

To identify an existing group or establish a new group to bring focus to downtown management and consider renewed participation in the Pennsylvania Main Street Program.

To adopt Heritage Tourism as an important component of the Downtown Revitalization Strategy involving the Apple and Cheese Festival, outdoor recreation and sporting opportunities, the Agricultural/Rural ambiance in association with the Townships, and the production and sale of local products and services.

To pursue a strategy of upper-floor reuse in downtown buildings that may involve reuse for residential, satellite college and/or office space uses.

To encourage mixed uses at within the business district and allow for some at strategic growth centers elsewhere by balancing new commercial development and preservation.

To incorporate unique business magnets of the Canton/Granville Area into recruitment and promotion efforts, with these magnets being local manufacturing, banks, the Rialto Theater, the Apple Cheese Festival, and local agriculture.

INSTITUTIONAL AND REGULATORY

Goal: To provide a continuing comprehensive community planning process and provide a framework into which developmental, residential and utility planning will fit.

Objectives:

To maintain the function of the Three Community Joint Planning Committee (TCJPC) as an advisory body to the Borough and Townships, to facilitate and monitor plan implementation, and as a point of coordination for regional actions.

To adopt and implement the Municipal Plans for Canton/Granville Area, which guide development, provide for a community agenda, and identify improvements and concerns.

To consider the evolution and formalization of the TCJPC as a regional planning commission for the three communities and pursue the concept of a larger inter-municipal region embracing Troy Borough, Troy Township, West Burlington Township, LeRoy Township and Union Township.

To coordinate and submit applications for financial assistance to Penn Vest, The Pennsylvania Communities of Opportunity Program, the Growing Greener Program, Community Development Block Grant, the New Communities Program and other sources to implement structural and economic development activities.

To assist the Townships and Borough in the analysis and implementation of the regional provision of community facility or utility services.

To undertake the Comprehensive Development Plan update every 10 years.

To consider the adoption of appropriate land use controls including a new zoning ordinance for Canton and Granville Townships, a revised zoning ordinance for Canton Borough and Subdivision and Land Development Ordinances for the three municipalities.

§ 27-104. Interpretation.

[Ord. 578, 3/9/2015]

In interpreting and applying this Chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Canton Borough. Any use permitted subject to the regulations prescribed by the provisions of this Chapter shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Chapter is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Chapter imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Chapter shall prevail. Wherever and whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

§ 27-105. Applicability.

[Ord. 578, 3/9/2015]

1. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Chapter:

   A. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board;

   B. Change of the type of use or expansion of the use of a structure, building or area of land;

   C. Creation of a lot or alteration of lot lines; and

   D. Creation of a new use.

2. This Chapter shall not apply to an existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and Canton Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

§ 27-106. Municipal Liability.

[Ord. 578, 3/9/2015]

The granting of a Zoning Permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by Canton Borough, or an official or employee thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

§ 27-107. Disclaimer.

[Ord. 578, 3/9/2015]

It is recognized that: the Act of June 22, 1937 (P.L. 1987, No. 394) known as "The Clean Streams Law"; the Act of May 31, 1945 (P.L. 1198, No. 418) known as the "Surface Mining Conservation and Reclamation Act"; the Act of April 27, 1966 (1st Special Session, P.L. 31, No. 1) known as "The Bituminous Mine Subsidence and Land Conservation Act"; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the "Coal Refuse Disposal Control

Act"; the Act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act"; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the "Noncoal Surface Mining Conservation and Reclamation Act"; the Act of June 30, 1981 (P.L. 128, No. 43) known as the "Agricultural Area Security Law"; the Act of June 10, 1982 (P.L. 454, No. 133) entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances"; and the Act of May 20, 1993 (P.L. 12, No. 6) known as the "Nutrient Management Act" preempt zoning ordinances. In addition, provisions set forth by the Act 13 of 2012, known as the "Unconventional Gas Well Impact Fee Act" under Chapter 33 "Local Ordinances Related to Oil and Gas Operations" shall be adhered to. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. This Zoning Ordinance shall mandate nothing contrary to those Acts.

PART 2. DEFINITION OF TERMS

§ 27-200. Definition of Terms.

[Ord. 578, 3/9/2015]

The following words are defined in order to facilitate the interpretation of this Chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning indicated in this Chapter. Words used in the present tense include the future tense. The singular includes the plural.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms "shall and will," "will" and "must" are always mandatory. The words "should" or "may" are permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied." The word "erected" shall be inclusive of the words "constructed, altered or moved."

ABANDONED
: The visible or otherwise apparent discontinuance of a nonconforming use of a building or premises, or the removal of characteristic equipment or furnishings used in the performance of a nonconforming use without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure.

ABANDONMENT
: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property of another owner nor of resuming the use of the property.

ACCESS DRIVE
: A way or means of approach, other than a street, which provides vehicular or pedestrian physical entrance to a property from a street or a public road.

ACCESSORY BUILDING
: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

ACCESSORY STRUCTURE
: A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

ACCESSORY USE
: A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building. If no principal use exists on a lot with a lawful accessory use, than such accessory use shall be considered a principal use.

ACRE
: A measure of land containing 43,560 square feet.

ACT
: The latest version of the Pennsylvania Municipalities Planning Code as amended or reenacted.

ADAPTIVE REUSE
: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION

Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing.

ADULT BOOK STORE

Establishment which offers for sale, for rent, for lease, for review on the premises or for loan, pictures, photographs, drawings, sculptures, motion picture film, or similar visual representation of sexual conduct or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement, or which offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.

ADULT CABARET

A nightclub, theater, bar, or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT DAYCARE CENTER

A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally challenged and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

ADULT MASSAGE ESTABLISHMENT

Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a licensed medical practitioner, chiropractor, professional physical therapist, or massage therapist, who is both nationally certified in therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

ADULT MINI-MOTION PICTURE THEATER

An enclosed or unenclosed building with a capacity of more than five, but less than 50, persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE

Any place to which the public is permitted or invited wherein coin- or slug-operated, or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOVIE THEATER

An enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER

A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature, which regularly features live performances, which are distinguished or characterized by an emphasis on specified sexual activities, or by exposure of specified anatomical areas for observation by patrons.

ADULT-ORIENTED ESTABLISHMENT

The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a

member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the Internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Any and all of these uses are considered an Adult Entertainment Facility. The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

AGRICULTURAL MARKET

Any fixed or mobile retail food establishment, which is engaged primarily in the sale of raw agricultural products, but may include as accessory to the principal use, the sale of factory-sealed or prepackaged food products that normally do not require refrigeration. (See ROADSIDE STAND)

AGRICULTURAL OPERATION (MPC)

An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURAL/LAWN EQUIPMENT SALES AND SERVICE

The sale, lease or rental of new or used commercial or private farming, forestry or lawn equipment; including the servicing and maintenance of such equipment.

AGRICULTURE

The use of land, which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

1. **AGRONOMIC**

   The science and technology of utilizing plants for food, fuel, feed, and fiber in a sustainable environment by applying the sciences of biology, chemistry, ecology, earth science, and genetics;

2. **AQUACULTURE**

   The raising and harvesting of freshwater and saltwater organisms including mollusks, crustaceans and aquatic plants under controlled conditions;

3. **HORTICULTURE**

   The cultivation of fruits, vegetables, flowers and ornamental plants;

4. **HYDROPONICS**

   The growing of plants without soil in water to which nutrients have been added. Other names for hydroponics are soil-less gardening, soil-less culture, chemiculture, and water gardening; and

5. **SILVICULTURE**

   The science of controlling the establishment, growth, composition, health, and quality of forests over land areas, which are generally not suitable for a sustainable forest.

AGRICULTURE, INTENSIVE (Intensive Agricultural Use)

Specialized agricultural activities including certain concentrated animal feeding operations (CAFO) and certain concentrated animal operations (CAO), which due to the intensity of production necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes.

AIR RIGHTS

The right to use space above ground level.

AIR TRANSPORTATION

Establishments engaged in domestic and foreign transportation by air including airports and flying fields, as well as terminal services.

AIRPORT

A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

AISLE

The traveled way by which cars enter and depart parking spaces.

ALLEY

A public or private right-of-way other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMENDMENT

A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

AMORTIZATION

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

AMUSEMENT ARCADE

An establishment which has as its principal business offering to patrons mechanical or electrical amusement devices or games such as pinball machines, ping pong, darts, shooting galleries or similar devices and games.

AMUSEMENT FACILITY

An outdoor area or structure, open to the public, which contains coin operated games, and similar entertainment and amusement devices.

AMUSEMENT PARK

An outdoor facility, which may include structures and buildings, where there are various devices for entertainment including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

ANIMAL CLINIC/HOSPITAL

A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANIMAL EQUIVALENT UNIT

One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (See PA Nutrient Management Regulations for standard animal weights.)

ANIMAL FEEDING OPERATION (AFO)

Federal regulations define an AFO as a facility where animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any twelve-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

ANIMAL HUSBANDRY

The care, raising, and keeping of livestock (animals such as cattle, sheep and swine) and poultry with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products; provided, that the keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of this Chapter shall not be construed as animal husbandry.

ANIMAL WASTE (MANURE) STORAGE FACILITIES

A detached structure or other improvement built to store manure for future use or disposal. Types of storage facilities are as follows: underground storage, in-ground storage, trench silo, earthen bank, stacking area, and above ground storage.

ANTENNA HEIGHT

The measurement of the overall vertical length of antenna and its support structure above the average finished grade. If such system is located on a building or other structure, the overall vertical length shall be measured and shall include the height of the building upon which the antenna and its structure is situated.

ANTENNA SUPPORT STRUCTURES

Any structure, mast, pole, tripod or tower, including any guy wires and braces utilized for the purpose of supporting an antenna or antennas.

ANTENNA, STANDARD

A device, partially or wholly exterior to a building that is used for receiving electronic signals (other than a satellite dish antenna which is defined separately) or for transmitting short-wave or citizens band radio frequencies. This shall include antennas used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "Commercial Communications Antenna." This term includes any accessory supporting structures.

APARTMENT BUILDING

A structure containing three or more dwelling units, excluding townhouses.

APARTMENT COMPLEX

A group of two or more apartment buildings.

APARTMENT, ACCESSORY

An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

APARTMENT, CONVERSION

A multi-family dwelling constructed by converting an existing dwelling into apartments for no more than three families without substantially altering the exterior of the building.

APPLICANT (MPC)

A landowner or developer (as defined in this Chapter) who has filed an application for development including his personal representatives, heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT (MPC)

Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, or for the approval of a subdivision plat or plan or for approval of a development plan.

APPOINTING AUTHORITY (MPC)

The mayor in cities; the board of commissioners in counties; the council in incorporated towns and boroughs; the board of commissioners in townships of the first class; and the board of supervisors in townships of the second class; or as may be designated in the law providing for the form of government.

ARCADE

A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

AREA, BUFFER

A strip of land, which is planted and maintained in shrub, bushes, trees, grass or other landscaping materials, and within which no structure is permitted except a wall or fence.

AREA, BUILDING

The total area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, GROSS

The total lot area, including public right-of-way.

AREA, LOT

The area contained within the property lines of a lot as shown on a subdivision plan, including the area of any easement.

AREA, NET

The total lot area, less public right-of-way.

ASSISTED LIVING FACILITY

Coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

ATTIC

That part of a building that is wholly or partly within the roof framing.

AUTHORITY (MPC)

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authorities Act of 1945."

AUTO BODY SHOP

Any structure or any building or part thereof that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

AUTO, BOAT AND/OR MOBILE/MANUFACTURED HOME SALES

An area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use; provided, that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

AUTOMOBILE MAINTENANCE/REPAIR GARAGE

An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "automobile service station." An automobile repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "automobile service station" is also permitted as part of an "automobile repair garage."

AUTOMOBILE SERVICE STATION

Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

AUTOMOBILE WRECKING

The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE WRECKING YARD

An establishment that cuts up, compresses, or otherwise disposes of motor vehicles. (See JUNK/SALVAGE YARD).

AWNING

A roof-like cover that is temporary or permanent in nature and projects from the wall of a building for the purpose of shielding a doorway or window from the elements and can be periodically retracted onto the face of a building.

BAFFLE

A freestanding, randomly located structure, fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one segment of one property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

BAKERY

A building or structure utilized for the baking of breads and/or pastries for sale on or off the premises.

BAR

Premises used primarily for the sale or dispensing of both alcoholic and non-alcoholic beverages for on-site consumption, licensed by the Pennsylvania Liquor Control Board, and where food may be available for consumption on the premises as accessory to the principal use and where live entertainment can be offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys or live bands for the purposes of supplying musical entertainment. Bars can offer the retail sale of carry-out beer as an accessory use.

BASE FLOOD ELEVATION

The elevation above sea level, based on the vertical datum in the current Flood Insurance Rate Maps for (municipality) of the 100-year flood.

BASEMENT

A space having 1/2 or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet.

BED AND BREAKFAST (HOME)

An owner-occupied residence where not more than five guest rooms are rented to not more than 10 overnight guests on a daily basis for periods not exceeding one week.

BED AND BREAKFAST (INN)

An owner-occupied residence or business where not more than 10 guest rooms are rented to not more than 20 overnight guests on a daily basis for periods not exceeding one week.

BERM

A mound of soil, either natural or man-made, used to obstruct views.

BEST MANAGEMENT PRACTICE (BMP)

State-of-the-art technology as applied to a specific problem. The BMP presents physical, institutional, or strategic approaches to environmental problems, particularly with respect to non-point source pollution control.

BILLBOARD

See Part **8** of this Chapter, SIGNS.

BLOCK

An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

BOARD (MPC)

Any body granted jurisdiction under a land use ordinance or under this Act to render final adjudications.

BOARDING HOUSE (INCLUDING "ROOMING HOUSE")

A residential use in which: (1) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (2) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a motel, dormitory, hotel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on site for five or more consecutive days.

BOARDING STABLE

A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises, and for which the owner of the premises receives compensation.

BUFFER AREA

See "AREA, BUFFER."

BUFFER YARD

An open area whose dimensions normally exceed the normal building setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

BUILDABLE AREA

The area of lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

BUILDING

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING COVERAGE

The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

BUILDING HEIGHT

The vertical distance from the average finished grade, in front of the building where the address is taken to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. (BOCA National Building Code, slightly modified.)

BUILDING INSPECTOR

An individual designated by the appointing authority to enforce the provisions of the Pennsylvania Uniform Construction Code that may include a code enforcement officer or zoning officer.

BUILDING LINE

A line parallel to the front, side or rear lot line set so as to provide the required yard.

BUILDING PERMIT

Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

BUILDING SETBACK LINE

The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

BUILDING SUPPLY AND/OR HOME IMPROVEMENT STORE

A facility for the retail sale of a combination of products used in the construction, repair and improvement of homes, including, but not limited to, lumber, masonry products, exterior siding, roofing, plumbing fixtures, pipes, electrical supplies, floor coverings, paints and wall coverings, windows and glass, landscaping materials, hardware, tools, and other accessories. Home improvement stores shall always involve outdoor storage of materials; any facilities that sell the above-described products that do not have outdoor storage can be considered to offer the general retail sale of goods.

BUILDING, DETACHED

A building surrounded by open space on the same lot.

BUILDING, NONCONFORMING

See "NONCONFORMING STRUCTURE" or "BUILDING."

BUILDING, PRINCIPAL

A building in which is conducted the primary use of the lot on which it is located, and which is not an accessory building.

BULK RECYCLING CENTER

A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

BUSINESS PARK

A high quality, mixed use campus development containing a number of separate business and office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis to ensure compatibility for circulation, parking, utility needs and aesthetics.

BUSINESS SERVICES

Those activities limited to the service and repair of furniture, office equipment, medical supplies and equipment and commercial appliances; the supply and servicing of vending machines; frozen food lockers; the painting and assembly of signs; printing, copy and photocopying services; arts, crafts, drafting and stationary supplies; food catering; interior decorating; taxidermy; upholstering and personal dry cleaning services. Uses which shall not be interpreted to be business service establishments are retail shops and stores; gasoline and motor vehicle stations; vehicular sales, service and repair; mortuaries; warehouses and distribution facilities; and contractor's offices.

CAMP OR CAMPGROUND

A State-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter **19**. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

CAMPER

Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

CAMPING UNIT

Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as a temporary living quarters for recreation, education, or vacation purposes.

CAMPSITE

Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

CANOPY

See Part **8** of this Chapter, SIGNS, "SIGN, CANOPY."

CAR SALES (NEW AND USED)

The use of any building, structure or land, other than a street, for the display and sale or rental of motor vehicles, which are in operable condition. The owner/operator of this business must have a valid State license for the sale or rental of such motor vehicles. Any related repair shall be conducted within an enclosed building and shall be an accessory use.

CAR WASH

A commercial use devoted to cleaning the exterior, and sometimes the interior, of automobiles and other passenger vehicles. There are several types of car washes, ranging from self-service coin operated automatic car washes to fee-based full service operations.

CARPORT

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

CARTWAY

That portion of a street or alley which is improved, designed, or intended for vehicular use.

CELLAR

A space with less than 1/2 of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 1/2 feet.

CEMETERY

A parcel of land used as a burial ground for human or animal remains.

CERTIFICATE OF USE AND OCCUPANCY

The certificate issued by a duly authorized Borough officer which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

CHANGE OF USE

Any use that substantially differs from the previous use of a building or land.

CHILD DAY CARE

A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "Nursery School" or "Head Start" program.

CHIMNEY

A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

CHRISTMAS TREE FARM OR TREE FARM

A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale from November 15 to December 30 of trees that were produced on the premises.

CHURCH

A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses. For the purpose of this Chapter, the word "Church" shall include: chapels, cathedrals, temples and similar designations, as well as parish houses, convents and such accessory uses.

CLEAR-SIGHT TRIANGLE

An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

CLINIC

An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers; and where patients are not usually lodged overnight.

CLUB, CLUBHOUSE OR LODGE

A building, structure, or part thereof, used to house an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social, military and athletic clubs. This definition does not include "Night Clubs." The clubs or lodges, as defined, shall not be an adjunct to, operated by or in connection with a tavern, cafe or other public place.

CLUSTER
A development technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

CLUSTER SUBDIVISION
A form of development that permits a reduction in lot area and bulk requirements; provided, that unless otherwise authorized, there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active or passive recreation, preservation of environmentally sensitive areas, or agriculture.

CO-LOCATED COMMUNICATION ANTENNAS
Any device that is attached to an existing structure and used for the transmission or reception of wireless communications signals for ultimate reception by a radio, television, wireless telephone, pager, commercial mobile radio service, or any similar device.

COLLEGE OR UNIVERSITY
See "SCHOOL, COLLEGE."

COMMERCIAL GREENHOUSE
A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

COMMERCIAL VEHICLE
Any motor vehicle licensed by the State as a commercial vehicle.

COMMON AREA
The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the residential development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

COMMON FACILITIES
When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, stormwater management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

COMMON OPEN SPACE
A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

COMMUNICATIONS ANTENNA
Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including without limitation, ham or citizens band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING
An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS FACILITIES (NON-PUBLIC REGULATED)
Including telephone or telegraph exchanges, communications antenna, which are not regulated by the Pennsylvania Utilities Commission (PUC).

COMMUNICATIONS FACILITIES (PUBLICLY REGULATED)
Including telephone or telegraph exchanges, communications antenna, which are regulated by the Pennsylvania Utilities Commission (PUC).

COMMUNICATIONS TOWER
A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antenna.

COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY
A communications tower or other facility which transmits or receives a radio, television or other communications

signal.

COMMUNITY CENTER

A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

COMMUNITY SEWAGE SYSTEM

Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site, and which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

COMMUNITY WATER SUPPLY SYSTEM

A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Borough, whichever is more stringent.

COMPOSTING

The mixing of decomposing refuse matter for the purpose of creating fertilizer material.

COMPREHENSIVE PLAN

The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of a borough, city, or township, as amended from time to time. Also known as the Joint Community Comprehensive Plan for the Communities of Granville Township, Canton Borough and Canton Township.

COMPRESSED NATURAL GAS (CNG) FILLING STATION

An individual CNG Filling Station or CNG pump accessory to an existing/proposed gasoline filling station that provides natural gas as a fuel alternative that is compressed to less than 1% of its volume at standard atmospheric pressure. Various Fill Systems may include the following equipment: Inlet Gas Dryer, Compressor, Priority Panel, Storage Vessel System and Natural Gas Vehicle Dispensers including an overhead canopy.

COMPRESSOR STATION

The station where once the natural gas is extracted will be pressurized and filtered prior to being sent to market. The purpose of this station is to pressurize the natural gas prior to flowing through a gas pipeline; this process is repeated occasionally along the pipeline as the natural gas travels through it at intervals typically ranging between 40 and 100 miles. As the natural gas must be pressurized before traveling through the pipelines, the compressor station typically removes any other liquid or particles in the natural gas in order to filter the gas making it as pure as possible.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

An animal feeding operation where 250 or more Animal Equivalent Units (AEUs) are housed inside buildings or in confined feed lots.

CONDITIONAL USE

A use permitted (and approved by the governing body) in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance.

CONDOMINIUM

A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a shared interest in the remainder of the real estate, which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

CONDOMINIUM ASSOCIATION

The community association that owns, administers and maintains the common property and common elements of a condominium.

CONSERVATION AREA

Environmentally sensitive areas with characteristics such as steep slopes, wetlands, floodplains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

CONSERVATION DISTRICT

A geographic area, usually a county, in which professionals provide advice to communities, agencies, and individuals within the jurisdiction and review development proposals. Also known as the Bradford County Conservation District.

CONSIGNMENT SHOP

A retail establishment engaged in the re-selling of new or used items, such as antiques, clothing, furniture, books, shoes or musical instruments through a seller/broker (a consignee) and pays a portion of the proceeds to the owner of the merchandise (the consignor).

CONSTRUCTION

The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile (manufactured) homes.

CONTIGUOUS

Next to, abutting, or touching and having a boundary, or portion thereof, that is conterminous; to physically touch or border upon, or to share a common property line, but not overlap.

CONTINUING CARE RETIREMENT COMMUNITY

An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee.

CONTRACTOR'S YARD

A tract of land where a dealer stores new and/or used material, machinery, equipment and other supplies for use by builders, developers, erectors, excavators and other artisans. Such material, machinery, equipment and other supplies may be made available for wholesale or retail purposes or rental programs.

CONVENIENCE STORE

A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant.

COURT

An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

COURT, OUTER

A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

COVERAGE

That portion or percentage of the lot area covered by all impervious materials.

CUL-DE-SAC

A street intersecting another street at one end terminating at the other in a vehicular turn around.

CURB

A stone, concrete, or other improved boundary usually marking the edge of the road-way or paved area.

CURB CUT

The opening along the curb line at which point vehicles may enter or leave the roadway.

DAIRY

A commercial establishment for the manufacture or processing of dairy products.

DECISION (MPC)

Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

DECK

Any constructed flat surface capable of supporting weight, similar to a floor, but constructed outdoors and usually (though not always) connected to a building. A deck shall not be completely enclosed, except for any side, which may adjoin a structure, or for any fences, walls, shrubs, or hedges.

DEED RESTRICTION

A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction usually runs with the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing a deed restriction, unless the restriction resulted from a condition or stipulation of the subdivision or land development approval process.

DENSITY

The number of families, individuals, dwelling units, or housing structures per gross acre of land.

DEP

Pennsylvania Department of Environmental Protection.

DERRICK

Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or re-working a well for the production of natural gas.

DETERMINATION (MPC)

Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: (1) the governing body, (2) the Zoning Hearing Board or (3) the Planning Agency, only if and to the extent the Planning Agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER (MPC)

Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT

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

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT (MPC)

Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN (MPC)

The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Act shall mean the written and graphic materials referred to in this definition.

DISTRIBUTION CENTER

An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DISTRICT

A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

DISTRICT, ZONE

A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Zoning Map.

DORMITORY STYLE HOUSING

For the purpose of this Chapter, a Dormitory Style Housing Facility shall be defined as a housing facility providing space for sleeping, eating, training and recreation for a large group of individuals who are associated for a common overall function (e.g., educational purposes or temporary workers).

1. **MINOR DORMITORY STYLE HOUSING FACILITIES**

   Occupied by 24 people or less at any given time on a Permitted Site; and

2. **MAJOR DORMITORY STYLE HOUSING FACILITIES**

   Occupied by 25 or more people at any given time which are planned to be utilized for a period of time longer than one year.

DRILLING

The digging or boring a new well either vertically or horizontally for the purpose of exploring for, developing or producing oil and gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

DRILLING EQUIPMENT

The derrick or rig, together with all parts of and appurtenances to such structure, every piece of apparatus, machinery or equipment used or erected or maintained for use in connection with drilling.

DRIVE-THRU FACILITY

Any commercial business, including an eating establishment, offering refreshments, entertainment or services to patrons, who purchase and/or consume such refreshments, entertainment or services on the premises and/or outside of the building, including patrons who may be served in their automobiles.

DRIVEWAY

A private access for vehicles to park in a parking space, garage, dwelling or other structure commercial, industrial or institutional in nature, limited to persons residing, employed or otherwise visiting the parcel in which it is located.

DUMP

A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DUPLEX

(Two-Family; Single-Family Semi-Detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, rear and side yard.

DWELLING

A building or structure designed for living quarters for one or more families, including trailers and mobile homes which are supported by a foundation of mortared masonry or concrete construction and permanently affixed to the land and which have the area between the ground and body of the trailer or mobile home completely enclosed to prevent the accumulation of debris and to provide additional stability and safety to the trailer or mobile home, but shall not include hotels, rooming houses or other accommodations used for transients.

DWELLING, EARTH SHELTERED

Any completed building or structure that was designed to be built partially or wholly underground. A completed building or structure, which was not intended to serve as a substructure or foundation for a building.

DWELLING, GROUP

A group of two or more single-family, two-family or multi-family dwellings occupying a lot in one ownership.

DWELLING, INDUSTRIALIZED HOUSING

Any structure designed primarily for residential occupancy, except a manufactured home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, MANUFACTURED HOUSING

Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

DWELLING, MULTI-FAMILY

A building designed, occupied or used by three or more families living independently of each other, wherein each dwelling unit or apartment shall contain private bath and kitchen facilities; including apartment houses.

DWELLING, MULTIPLE

A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels or houses, flats, townhouses and group houses.

DWELLING, SINGLE-FAMILY ATTACHED

A building used by one family and having two party walls in common with other buildings (such as row house or townhouse), except that end units have only one party wall.

DWELLING, SINGLE-FAMILY, DETACHED

A building used by one family, having only one dwelling unit and having two side yards.

DWELLING, TWO-FAMILY, DETACHED

A building used by two families, with one dwelling unit arranged over the other and having two side yards.

DWELLING, UNIT

One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family.

EASEMENT

A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EASEMENT, CONSERVATION

A legal agreement granted by a property owner that limits the types, locations and amounts of development that may take place on the owner's property. Such easement may restrict the original and all subsequent property owners, lessees and all other users of the land.

EASEMENT, DRAINAGE

An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

EASEMENT, UTILITY

A right-of-way granted for limited use of land for public or quasipublic purpose.

ECHO HOUSING (Elder Cottage Housing Opportunities)

Also known as "granny flat" or elder cottage housing. It permits a family member, related by blood, marriage or adoption, to live independently but close to relatives on the same lot. The housing consists of one bed-room, a bathroom, living room and kitchen and is connected to the utility system of the main dwelling unit.

EDUCATIONAL INSTITUTION

A college or university giving general academic instruction, as prescribed by the Commonwealth of Pennsylvania, included within this term are areas or structures used for (1) administration; (2) housing of students or faculty; (3) dining hall; (4) social or athletic activities, when located on the institution's land that is not detached from that portion of the campus where classroom facilities are maintained, by more than street and/or other property owned by the institution.

ELECTRIC SUBSTATION

An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES

Public utilities transmission distribution facilities including substations.

EMERGENCY MEDICAL TREATMENT FACILITY

Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an outpatient basis.

EMPLOYEES

The highest number of workers (including both part-time and full-time) both compensated and volunteer and both employees and contractors present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENGINEER, MUNICIPAL (MPC)

A professional engineer licensed as such in the Commonwealth of Pennsylvania duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

ENLARGEMENT

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

ENTERTAINMENT FACILITY

Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, theaters, bowling alleys, movie theaters, dance halls, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include adult entertainment businesses, clubs, bars, pubs, golf courses, or parks.

ENVIRONMENTAL CONSTRAINTS

Features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

EROSION

The removal of surface materials by the action of natural elements.

ESSENTIAL SERVICES

Public utility facilities that do not require enclosure within a building, including electrical, gas, steam, telephone or water distribution systems; and including related equipment such as poles, towers, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment.

EXCAVATION

Any act by which earth, sand, gravel, rock or any other similar materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

EXISTING USE

An activity or use of land occurring on a lot or parcel as of the effective date of the ordinance codified in this Chapter.

FACADE

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY

One or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than four persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 U.S.C. § 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit.

FAMILY DAY CARE HOME

A resident offering baby-sitting services and child care services for four to six children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A Family Day Care home is a permitted Accessory Use in any Low and Medium Residential District. There are no restrictions for a resident offering baby-sitting services and child care services for relatives.

FARM

Any parcel of land which is used for gain in raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures, within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Chapter, a farm shall not include the raising of fur-bearing animals, a riding academy, livery, boarding stables or dog kennels.

FARMERS AND/OR FLEA MARKET

A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be Farmers and/or Flea Markets.

FENCE

Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line. For the purpose of this Chapter, a freestanding masonry wall when so located is considered to be a fence; also, for the purpose of this Chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front yard lot lines."

FILL

Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make fill, which is in turn used to elevate, or floodproof a building or structure.

FINANCIAL INSTITUTION

An establishment primarily involved with monetary, not material, transactions and that has routine interactions with the public.

FINISHED GRADE

The elevation of the land surface of a site after completion of all site preparation work.

FLARING

To dispose of surplus combustible vapors by igniting them in the atmosphere from a fractured gas well. This process may include the use of a series of secured piping to facilitate flow of gas and a combustion chamber to ignite the gas.

FLOOD

A temporary inundation of normally dry land areas.

FLOOD ELEVATION, BASE (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOOD, BASE

A flood which has a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood" or 1% annual chance flood).

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 water course, and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPLAIN DISTRICT

The zoning district that regulates the channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

FLOODPROOFING

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

FLOODWAY

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

FLOOR AREA

The total enclosed area in the horizontal plan of a structure, measured from the faces of the exterior walls.

FLOOR AREA RETAIL, NET

All that space relegated to use by the customer and the retail employee to consummate retail sales; and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, HABITABLE

The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

FLOOR AREA, NET

The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLORIST

One who sells or grows for sale flowers and ornamental plants, including but not limited to other gifts, keepsakes or knickknacks.

FLOW BACK OPERATIONS

Activities and processes used to expel water from a natural gas well in order to facilitate the production of natural gas.

FORESTRY (TIMBER HARVESTING) (MPC)

The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve land development.

FRACTURE STIMULATION/HYDRAULIC FRACTURING (FRACKING)

A method of stimulating production from a well by increasing the permeability of the producing formation. Fracturing can be accomplished by the injection of fluid carrying propping agents under extremely high hydraulic pressure downward into a well to cause pressure that "cracks" or opens up fractures already present in the formation.

GARAGE, PRIVATE

An accessory enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein.

GARAGE, PUBLIC

Any garage other than a private garage which is used for parking or storage of motor vehicles.

GARDENING

The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GAS

Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature and pressure conditions and or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

GAS STORAGE WELL

A well located and used in a gas storage reservoir for injection withdrawal purposes or an observation well.

GAS WELL

Any well drilled for the intent of extracting gas or other hydrocarbon from beneath the surface of the earth.

GASOLINE SERVICE STATION

See "AUTOMOBILE SERVICE STATION."

GATHERING LINE

A pipeline and equipment described below that transports gas from a production facility to a natural gas processing plant or transmission line or main. The term "gathering line" includes valves, metering equipment, communication equipment, cathodic protection facilities and pig launchers and receivers, but does not include dehydrators, theaters, tanks, separators or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines or main lines.

GENERAL RETAIL BUSINESS

Retail business shall include variety stores, apparel stores, florists, drugstores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis.

GOLF COURSE

Any regulation eighteen-hole, nine-hole or executive (par 3) golf course, including any driving ranges, chip-n-putt, nine-hole, or miniature golf courses.

GOVERNING BODY (MPC)

The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

GRADE

The degree of rise or descent of a sloping surface.

1. **GRADE, STREET**
   The elevation of the center line of an existing or proposed street; the percentage of slope; and

2. **GRADE, FINISHED**
   The final elevation of the ground surface after development.

GREENHOUSE
A building that contains a roof and sides largely made of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GREENWAY
A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

GROSS BUILDING AREA
The total area of a building available for construction or use, as measured from the exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

GROUND FLOOR
The floor of a building nearest the mean grade at the front of the building.

GROUP HOME
A dwelling inhabited by handicapped persons, as identified and provided for by the Fair Housing Act and this Chapter. This definition does not include persons occupying a hotel, dormitory, lodge, halfway house, boardinghouse or institution. A group home involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the Zoning Officer meets the definition of "handicap," as defined by applicable Federal law. (NOTE: The Federal Fair Housing Act amendments define "handicap" as follows: "(1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans with Disabilities Act to address certain situations related to substance abuse treatment.)

GROUP QUARTERS
Any dwelling or portion thereof, which is designed or used for persons, unrelated to each other occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, boarding or lodging houses, fraternity and sorority houses, theme houses and other quarters of an institutional nature. Such group quarters must be associated with or owned and operated by a parent religious, educational, charitable or philanthropic institution. Group quarters shall exclude hotels, motels, dormitories, emergency shelters, student housing, nursing facilities and personal care facilities. In zoning districts where group quarters are permitted, other than institutional, group quarters shall be limited to no more than 10 persons.

HABITABLE SPACE
Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

HALFWAY HOUSE
A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

HAZARDOUS MATERIAL
Materials which are classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection as having the potential to damage health or impair safety. Hazardous materials, including, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium,

phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers, located in flood prone areas.

HAZARDOUS WASTE

Any substance classified by the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or the Borough as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (NOTE: "Hazardous Waste" shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended.)

The term "Hazardous Waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." "Hazardous Waste" shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as the "Clean Streams Law," solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1342), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011-2394).

HAZARDOUS WASTE FACILITY

Any structure, group of structures, above ground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Borough.

HEALTH CARE FACILITY

A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, or outpatient clinic.

HEARING (MPC)

An administrative proceeding conducted by a board pursuant to § 27-909, Subsection **1**.

HEIGHT

The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HEIGHT OF COMMUNICATION TOWER

The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

HELIPORT

An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate State agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HELISTOP

A heliport but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HISTORIC AREA

A district or zone designated by a local authority or State or Federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural,

historical, or architectural motives or purposes.

HOME OCCUPATION

Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

HOMEOWNERS ASSOCIATION

A community association, which is organized in a development in which individual owners share common interests in open space or facilities.

HORTICULTURAL NURSERY

A place where plants are propagated and grown to usable size for wholesale or sales to the general public.

HORTICULTURE

The growing of fruit, vegetables, flowers, ornamental plants or trees for a profit. Such use may be within a building or structure or outdoors.

HOSPITAL

A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four-hour basis. The term "hospital" shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities which provide inpatient care. The term "hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

HOTEL

A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals. A conference/convention center may be part of the hotel.

HOUSEHOLD

Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

HUB HEIGHT

The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

HYDRAULIC FRACTURING CHEMICAL

Any chemical substance or combination of substances, including any chemicals and proppants that are intentionally added to a base fluid for purposes of preparing a stimulation fluid for use in hydraulic fracturing.

IMPERVIOUS MATERIAL (SURFACE)

Any substance placed on a lot which covers the surface in such a fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to consist of impervious material: buildings, sidewalks, driveways, parking lots, swimming pools and ground surfaces.

IMPROVEMENTS

Those physical additions, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, streetlights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees, and improvements to existing water courses.

INACTIVE WELL

Any shut-in well from which no production has been sold for a period of 12 consecutive months; any well which has been temporarily abandoned for a period of six consecutive months; or, any injection well which has not been utilized for a period of 12 consecutive months.

INCINERATOR

An approved device in which combustible material, other than garbage, is burned to ashes.

INDOOR RECREATION

A type of "recreation" use that (1) does not meet the definition of "OUTDOOR RECREATION," and (2) is used principally for active or passive recreation, such as a bowling, roller skating, ice skating, commercial batting practice use and similar uses.

INDUSTRIAL PARK

A tract of land laid out in accordance with an overall plan for a group or community of industries, including the servicing of those industries, with separate buildings designed and arranged to ensure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

INDUSTRY
The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

INOPERABLE MOTOR VEHICLE
A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, or any vehicle in a major or severe state of disrepair.

INSTITUTIONAL FACILITY
A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children, homeless, aged or infirm persons, or members of a religious community. This classification shall not include almshouses, penal or reformatory institutions, nursing homes, hospitals or institutions for the custody, care or treatment of persons suffering from dementia, mental derangement or drug or alcoholic addiction.

JUNK
Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNK VEHICLE
Includes any vehicle or trailer that meets any of the following conditions:

1. Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs;

2. Cannot be towed, in regards to a trailer designed to be towed;

3. Has been separated from its axles, engine, body or chassis; and/or

4. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

JUNK/SALVAGE YARD
Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

KENNEL
A State-licensed facility through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four or more canines in accordance with the Pennsylvania Code, Title 7, Chapter **21**, as amended or revised.

KENNEL, PRIVATE
Any property, including any building or structure thereon, where five or more dogs over the age of four months, are kept, maintained and owned by the property owner, up to a maximum of 10 dogs for the primary purpose of hunting activities and does not include commercial boarding.

LAND DEVELOPMENT (MPC)
Any of the following activities:

1. The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving:

   A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

   B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land; and

3. The following are exempted from the definition of Land Development:

   A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

   B. The addition of an accessory building, including a farm building, on a lot or lots subordinate to an existing principal building; or

   C. The addition or conversion of a building for rides within the confines of an enterprise, which would be

considered an amusement park. For the purpose of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial land for the expanded area has been approved by the proper authorities.

LAND USE ORDINANCE (MPC)

Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, VII of the PA Municipalities Planning Code.

LANDFILL

A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan. See "SANITARY FACILITY, LANDFILL OR INCINERATOR."

LANDOWNER (MPC)

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE PLAN

A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes, buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by Canton Borough.

LAUNDERETTE

A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house.

LAUNDRY AND DRY CLEANING ESTABLISHMENT

A business premises equipped with large-scale clothes washing and dry cleaning equipment.

LAUNDRY AND DRY CLEANING ESTABLISHMENT (PERSONAL)

A business premises equipped with individual clothes washing equipment for the use of retail customers or the drop off and pick up of clothing for dry cleaning by retail customers.

LCD

Liquid crystal display.

LEASE

A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

LED

Light emitting diode.

LIBRARY

A place in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

LIGHT

Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770 nanometers in wavelength.

LIGHTING

1. **DIFFUSED**
   That form of lighting wherein the light passes from the source through a translucent cover or shade;

2. **DIRECT OR FLOOD**
   That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated; and

3. **INDIRECT**
   That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LIVESTOCK

Any wild or domestic animal of the bovine, equus, sheep or swine family.

LIVESTOCK (AND POULTRY), RAISING OF

The raising and keeping of livestock, horses, poultry or insects beyond what is allowed under the "Keeping of Pets" and the definition of "kennel." Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

LOADING SPACE

An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts in or has access to a street.

LONG TERM CARE NURSING FACILITY

A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and seven days a week to individuals who do not require more intensive hospital-based care.

LOT (MPC)

A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The following types of lots are considered for this Chapter:

1. **LOT AREA**
   The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement;

2. **LOT, CORNER**
   A lot at the junction of and abutting on two or more intersecting streets or private roads;

3. **LOT, DEPTH**
   The horizontal distance measured between the street right-of-way and the closest rear property line on a corner and reverse frontage lot, the depth shall be measured from the street right-of-way line of the street address to the directly opposite property line;

4. **LOT, FLAG**
   A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway;

5. **LOT FRONTAGE**
   The length of the front lot line measured at the street right-of-way;

6. **LOT, IMPERVIOUS COVERAGE**
   A lot that has a surface of any material that prevents the absorption of stormwater into the ground. The total of impervious area includes the building area, inclusive of rooftop, lot, sidewalks and access drive divided by lot total net area;

7. **LOT, INTERIOR**
   A lot other than a corner lot;

8. **LOT, MINIMUM WIDTH**
   The horizontal distance between the sidelines of a lot measured at the front lot line;

9. **LOT, MOBILE HOME**
   A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home;

10. **LOT, NONCONFORMING**
    See "NONCONFORMING LOT";

11. **LOT OF RECORD**
    A lot that exists as shown or described on a plat or deed in the records of the Bradford County Recorder of Deeds; and

12. **LOT, REVERSE FRONTAGE (DOUBLE FRONTAGE, THROUGH)**
    A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts. In the case of a lot fronting on streets of different classifications, access to the lot shall be from the lower classified roadway.

LOT LINE, FRONT

The lot line separating a lot from a street right-of-way. In the case of corner lot abutting street right-of-way on more than one side there shall be two front lot lines, one side line and one rear line.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. A corner lot shall have two front lot lines and two side lot lines.

LOT LINE, SIDE

Any lot line other than a front or rear lot line. A corner lot shall have two front lot lines and two side lot lines.

LUMEN

The unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela.

MALL

An enclosed commercial area designed as a single unit with enclosed walkways and adequate off-street parking.

MANUFACTURED HOME

Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

MANUFACTURED HOME LOT

A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. See "MOBILE HOME LOT."

MANUFACTURING

The processing and/or converting of raw unfinished or finished materials, or products, or any or either of them, into an article or substance of different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MANURE

The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MARQUEE

Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

MASSAGE THERAPY

An establishment whose business emphasis is the administration of nonsexual oriented massage to patrons by employees.

MEAN

The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

MEDIATION (MPC)

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

MEDICAL CENTER

Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other healthcare practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

MEMBERSHIP CLUB

An area of land or building used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, but not including members of the general public. These uses are restricted to those not conducted primarily for gain, although a restaurant may be operated primarily to serve members and their guests. This use shall not include boarding house, a tavern, restaurant open to the general public, or an auditorium, unless that particular use is permitted in that district and the applicable requirements of that use are met.

MIDSTREAM OPERATION

Compressors, compressor stations, meters and processing plants that support more than one well pad.

MINERAL BATCHING AND MIXING PLANT

A facility where extracted materials are amassed, sorted, mixed, crushed and/or ground for the production of materials to be used in the construction industry including, but not limited to, concrete, blacktop, asphalt and amecite.

MINERALS (MPC)

Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINI SELF-STORAGE UNITS

A facility, usually one or more permanent buildings divided into units, providing for the enclosed storage of household items or recreational equipment, where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility.

MINING

The extraction of minerals including: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity.

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 rearrangements of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition or alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED USE

Occupancy of a building or land for more than one use.

MIXED-USE DEVELOPMENT

The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

MOBILE HOME (MPC)

A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, 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 without a permanent foundation.

MOBILE HOME LOT (MPC)

A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK (MPC)

A parcel or contiguous parcels of land, which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME SALES LOT

An open lot for the outdoor display of new or used mobile homes.

MOBILE HOME STAND OR PAD

That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MODULAR HOME

A type of dwelling that is in a substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

MORTUARY OR UNDERTAKING FACILITY

A place in which human remains are prepared and stored prior to burial.

MOTEL

A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for temporary occupancy by primarily transient automobile travelers and providing for accessory off-street parking facilities.

MOTOR FREIGHT TERMINAL

A terminal that is primarily centered around the storage and distribution of motor freight.

MULTIMUNICIPAL PLAN (MPC)

A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this Act, except that all the municipalities participating in the plan need to be contiguous, if all of them are within the same school district.

MUSEUM

An institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits, for the purpose of study, education and enjoyment, the tangible and intangible evidence of people, their history, culture and surroundings.

NATURAL AREA RESOURCES INVENTORY (NRI)

A survey of existing natural elements relating to land, water, air, plant, and animal life of an area or a community and the interrelationship of these elements. The NRI usually includes data on soils, geology, topography (including watershed and flood areas), and vegetation. Also known as the 2005 Bradford County Natural Areas Inventory.

NATURAL FEATURE

A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wild life, human recreation, reduction of climatic stress or energy costs. Such features include those, which, if disturbed, may cause hazards or stress or energy costs.

NATURAL GAS PROCESSING PLANT

A permanent facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

NATURAL GAS PRODUCTION

The period after the fracturing and flow back operations have been completed and natural gas has been run through a series of separators and tank batteries to metering devices and into the pipeline.

NATURAL GAS WELL

Any well drilled, to be drilled or used for the intended or actual production of natural gas.

NEW USE

Any new activity or use of land in a lot or parcel that was not occurring as of the effective date of the ordinance codified in this Chapter.

NEWSPAPER AND PRINTING ESTABLISHMENTS

Any establishment that is engaged in the printing of newspaper or similar material on a regular basis.

NO IMPACT HOME-BASED BUSINESS (MPC)

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and the surrounding residential uses;

2. The business shall employ no employees other than family members residing in the dwelling;

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;

5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which

is detectable in the neighborhood;

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;

7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area; and

8. The business may not involve any illegal activity.

NONCONFORMING BUILDING

See "NONCONFORMING STRUCTURE."

NONCONFORMING LOT (MPC)

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

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE (MPC)

A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE (MPC)

A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSERY, HORTICULTURE

See "HORTICULTURE NURSERY."

NURSING OR CONVALESCENT HOME

A facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully skilled nursing care of three or more persons.

OBSERVATION WELL

A well used to monitor the integrity and conditions in a gas storage reservoir, the reservoir protective area or strata above or below the gas storage horizon.

OBSTRUCTION

Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, water course 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 the water might carry the same down the stream to the damage of life and property.

OFF-STREET PARKING

A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedication right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

OFFICE

A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall not include retail or industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

OFFICES, PROFESSIONAL

Including, but not limited to, offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

OFFICIAL MAP (MPC)
A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

OIL
Any one of a great variety of unctuous combustible substances, not miscible with water; as olive oil, whale oil, rock oil, etc. They are of animal, vegetable or mineral origin and of varied composition, and they are variously for food, for solvents, for anointing, lubrication, illumination, etc., by extension, any substance of an oily consistency; as, oil of vitriol.

OIL AND GAS METERING STATIONS
A permanent structure that is used as midstream operation for the purpose of metering or measuring the flow and/or volume of gas and includes associated equipment, tanks and site disturbance.

OIL AND GAS OPERATIONS
The term includes the following:

1. Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;

2. Water or other fluid storage or impoundment areas used exclusively for oil and gas operations;

3. Construction, installation, use, maintenance, and repair of:

   A. Oil and gas pipelines;

   B. Natural gas compressor stations; and

   C. Natural gas processing plants or facilities performing equivalent functions.

4. Construction, installation, use, maintenance and repair of all equipment directly associated with the activities identified above, to the extent that:

   A. The equipment is necessarily located at or immediately adjacent to the well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and

   B. The activities are authorized and permitted under the authority of a Federal or State agency.

OIL AND GAS WELL
A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL AND GAS WELL PAD DEVELOPMENT
The area of surface operations surrounding the surface location where facilities, structure, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells. Such area shall not include an access road to the drilling site.

ON-SITE WATER SERVICE
A potable supply of water used for the consumption by a single-family user from a private well.

OPEN PIT MINING
Open pit mining shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

OPEN SPACE
Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, COMMON
A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designated and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

OPEN SPACE, PRIVATE
Open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling

or building.

OPEN SPACE, PUBLIC

Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OUTDOOR FUEL BURNING APPLIANCE

Any equipment, apparatus or device, which is designed, installed and operated outside of a residential structure and used to burn fuel to produce heat for domestic hot water, space heating of houses, or accessory structures.

OUTDOOR LIGHTING

An illumination source outside any building, including, but not limited to, an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be "OUTDOOR LIGHTING."

OUTDOOR RECREATION

A type of "recreation" use that is used principally for active and passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses.

OUTDOOR STORAGE

The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

OVERLAY ZONE

A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

OWNER

See "LANDOWNER."

PARCEL

A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

PARK

A tract of land, designated and used by the public for active and passive recreation.

PARKING GARAGE

A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

PARKING LOT

Any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SPACE

The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

PARKING, SHARED

Joint use of a parking area for more than one use.

PARTY WALL

A common shared wall between two separate structures, buildings, or dwelling units.

PATIO

An unroofed area or courtyard, which shall not be completely enclosed, except for any side that may adjoin a structure or for any fences, walls, shrubs, or hedges. Outdoor areas covered by a roof, trellis, or fixed awning shall be considered to be a structure.

PEDESTRIAN WALKWAY

A specified easement, walkway, path, sidewalk or other reservation, which is designed and used exclusively by pedestrians.

PERMITTED BY RIGHT USES

Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

PERSON

A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity

whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME

A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration. A "HALFWAY HOUSE" is not a Personal Care Home.

PERSONAL CARE HOME CENTER

See "ASSISTED LIVING FACILITY."

PERSONAL SERVICE ESTABLISHMENT

Service activities shall include and be similar to barbershops, beauty salons, health spas, massage parlors; photographic studios; self-service laundry and dry-cleaning establishments, laundromats; radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dress-making shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined in this Chapter.

PERVIOUS SURFACE

Any material that permits full or partial absorption of stormwater.

PET STORE

A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

PHILANTHROPIC/ELEEMOSYNARY INSTITUTION

An organization supported by or dependent upon charity.

PIPE YARD AND EQUIPMENT STAGING AREA

A use where an ancillary oil and/or natural gas contractor stores new and/or used material, machinery, equipment, piping and other supplies for use at an Oil and Gas Operation. Such material, machinery, equipment, piping and other supplies may be made available for wholesale or retail purposes or rental programs.

PIPELINE

All parts of those physical facilities running through which gas, hazardous liquids, fresh water, salt water or chemicals move in transportation, including, but not limited to, pipes, valves, and other appurtenances attached to pipe, whether or not laid in a public or private easement or public or private right-of-way within the Borough, including, but not limited to, gathering lines, production lines or transmission lines. This definition does not include pipelines associated with franchise utilities.

PLAN

See "PLAT."

PLAN, SKETCH

An informal plan indicating salient existing features of a tract and its surroundings and the general layout of proposed subdivision or land development. The sketch plan does not constitute a formal submission of a preliminary or final plan and is voluntarily offered to all applicants for guidance.

PLANNED RESIDENTIAL DEVELOPMENT (MPC)

An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING AGENCY (MPC)

A planning commission, planning department, or a planning committee of the governing body. For the purposes of this Chapter, the Canton Borough Planning Commission and the Bradford County Planning Commission shall be the identified local planning agencies.

PLAT (MPC)

The map or plan of a subdivision or land development whether preliminary or final. (For the purpose of this Chapter, the terms "plat" and "plan" have the same meaning.)

POST-FIRM STRUCTURE

Is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or

after the community's initial Flood Insurance Rate Map (FIRM) dated MM/DD/YYYY, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

POWER GENERATION FACILITY

A facility that generates electric power for the purpose of transmission of such electricity to other users not located on the site where the electricity is generated.

PRE-APPLICATION CONFERENCE

An initial meeting between developers and the Zoning Officer/Code Enforcement Official and/or Borough Engineer, which affords applicants and/or developers the opportunity to present their proposals informally.

PRE-FIRM STRUCTURE

Is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated MM/DD/YYYY, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

PRESERVATION OR PROTECTION (MPC)

When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND (MPC)

Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services county soil survey.

PRINCIPAL USE

The primary or predominant use of any lot or parcel of land.

PRINCIPAL WASTE HANDLING FACILITY

A principal use whereby waste is brought to the site for storage, processing, treatment, transfer or disposal.

PRIVATE

Not publicly owned, operated, or controlled.

PRIVATE RECREATIONAL FACILITY

A privately owned facility for recreational purposes, including, but not limited to, such uses as parks, nature trails and wildlife sanctuaries and excluding uses which would commonly be considered a nuisance because of noise, pollution, etc., such as racing, touring and promotion of motor vehicles.

PRIVATE STREET/ROAD

A non-public right-of-way, which provides vehicular access to one or more lots.

PRODUCTION FACILITIES

All storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells or injection wells.

PRODUCTION WELL

Any gas or oil well that has been brought on line to provide the material to market after a successful exploration step.

PUBLIC AND OTHER TRANSMISSION AND DISTRIBUTION FACILITIES

Public, semi-public and private utility transmission and distribution facilities including substations, pump stations, booster facilities, etc.

PUBLIC ENTERTAINMENT FACILITIES

An activity operated as a gainful business open to the public for entertainment or recreation, including, but not limited to, motion picture theaters, health clubs and miniature golf courses.

PUBLIC GROUNDS (MPC)

Includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned and operated facilities; and
3. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING (MPC)

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC LAND

Owned, operated or controlled by a government agency (Federal, State, or local) including a corporation created by law for the performance of certain specialized governmental functions or any public school district.

PUBLIC MEETING (MPC)

A forum held pursuant to notice under 65 C.S. CH7 (Relating to "Open Meetings").

PUBLIC NOTICE (MPC)

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

PUBLIC PARKS AND RECREATION AREAS

Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

PUBLIC RECREATION FACILITY/PUBLIC GROUNDS

Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including, but not limited to, sports parks, swimming pools, golf courses, etc.

PUBLIC SEWER

A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is owned and/or operated by Canton Municipal Authority, including their successors.

PUBLIC STREET/ROAD

A street ordained or maintained or dedicated and accepted by a borough, city, township, county, State or Federal government and open to public use.

PUBLIC USE

A use or activity which is open to or available for enjoyment by the general public, including facilities owned or operated by Federal, State, county or municipal governments, or other nonprofit groups, e.g., State game or forest lands, State parks, municipal swimming pools, boat launch areas, etc.

PUBLIC UTILITY FACILITY

Any structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

PUBLIC UTILITY TRANSMISSION TOWER

A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

PUBLIC WATER

A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is owned and/or operated by the Canton Municipal Authority, including their successors.

QUARRY

A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RADIOACTIVE MATERIAL

Any natural or artificially produced substance which emits radiation spontaneously.

RECREATION

Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

1. Sports (individual, dual, team, coed recreational, and combative), athletics; both land and water based;
2. Arts and crafts, spectating, picnicking, nature study, and board games; and
3. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

RECREATION AREA, ACTIVE

Any area developed in such a manner as to be conducive to those activities that fall within the range of active recreation. Examples: athletic fields and hard-surfaced courts, pools, large dams, bicycle and walking trails, open turf areas, and apparatus areas.

RECREATION AREA, PASSIVE

Any area developed in such a manner as to be conducive of those activities that fall within the range of passive recreation. Examples: scenic vistas, natural areas, craft areas, meeting areas, sitting areas, walkways, sunbathing, gardens, streams and impoundments, social events, picnicking, and spectating areas.

RECREATION, ACTIVE

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, OPEN SPACE

The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including, but not limited to, baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendance.

RECREATION, PASSIVE

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, checkers, and similar table games.

RECREATIONAL VEHICLE

A vehicle-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RECREATIONAL VEHICLE PARK OR CAMPGROUND

A parcel of land which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or campground lots rented for such use.

RECREATIONAL VEHICLE PARK OR CAMPGROUND LOT

A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping or travel use.

RECYCLABLE MATERIALS

For the purpose of this Chapter, recyclable material shall be defined as those designated waste products that are collected at approved recycling drop-off centers within the Borough for transformation into new and/or different products at another location.

RECYCLING DROP-OFF CENTERS

Facilities intended for the collection of recyclable materials, not including municipal, residual or hazardous waste transfer stations.

RECYCLING YARD

A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

RENEWABLE ENERGY SOURCE (MPC)

Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RENTAL

A procedure by which services or personal property is temporarily transferred to another person for a specific time period for compensation.

RENTAL UNIT

An individual commercial or institutional space offered for rent or lease within a motel, hotel, rooming house, tourist home, institutional home, bed and breakfast, apartment building, dormitory, or in a professional or commercial office building.

REPAIR SERVICES

Shops for the repair of appliances, watches, guns, bicycles and other household items.

REPORT (MPC)

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and

advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESEARCH LABORATORY

An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESIDENTIAL CONVERSION

The conversion of a single-family detached dwelling into accommodations for more than one dwelling unit, typically up to and not exceeding three apartment units.

RESIDENTIAL TREATMENT FACILITY

A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimum level of supervision but do not require medical or nursing care or general supervision. A Residential Treatment Facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

RESIDUAL WASTE

Garbage, refuse, other discarded material or waste, including solid, liquid semi-solid or contained gaseous materials resulting from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act, nor treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Act.

RESIDUAL WASTE LANDFILL

A facility for disposing of residual waste. The term does not include a residual waste impoundment or a facility for the land application of residual waste. The term does not include a facility at which municipal waste, other than industrial lunchroom or office waste generated by the operator, construction/demolition waste generated by the operator, or certain special handling, is disposed.

RESORT LODGE

A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals, and a conference/convention center. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

RESTAURANT

A commercial establishment devoted to the sale and consumption of food and beverages to patrons within an enclosed building, while the patrons are seated at counters, booths, or tables. A restaurant may contain an accessory area or use devoted to outdoor eating, retail sales, social quarters, meeting rooms, bars, taverns, taprooms, and similar uses, provided the cumulative total area of the accessory use does not exceed 50% of the gross floor area of the restaurant.

RETAINING WALL

A structure that holds back earth or water from a building or other structure. Retaining walls stabilize soil and/or rock from down slope movement or erosion and provide support for vertical or near-vertical grade changes. Retaining walls are generally made of masonry, stone, brick, concrete, vinyl, steel or timber. A professional engineer must certify retaining wall designs.

RETIREMENT COMMUNITY

Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

RIDING ACADEMY OR BOARDING STABLE

An establishment where horses are kept for riding, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY

A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

RIPARIAN BUFFER AREA

An area of land adjacent to a perennial or intermittent stream.

RIPARIAN LAND

Land that is traversed or bounded by natural water course or adjoining tidal lands.

RIPARIAN RIGHTS

Rights of a landowner to the water on or bordering his or her property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

ROAD

See "STREET."

ROADSIDE STAND

A temporary or permanent booth, stand or shelter, located along a roadway, but off the road right-of-way, from which farm, nursery or greenhouse products or other merchandise is offered for sale to the general public.

SANITARY FACILITY, LANDFILL OR INCINERATOR

Land, structures and other appurtenances or improvements where municipal or residual waste disposal or processing is permitted or takes place or where hazardous waste is treated, stored or disposed. The term includes land thereby used or affected during the lifetime of operations, including areas where solid waste management actually occurs, support facilities, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities, contiguous borrow areas and other activities in which the natural land surface has been disturbed or used as a result of or incidental to operation of the facility. A waste facility must meet the requirements of Title 25 of the Commonwealth of Pennsylvania Code, Articles VII to Article IX, and any State or Federal act or laws, as applicable and amended, such as the Solid Waste Management Act, the Clean Streams Law, and all applicable Federal regulation, such as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 to 6992 and 40 CFR Parts 260 to 279. A waste disposal or processing plant may include landfills, incinerators, impoundment, transfer facilities, composting facilities or resource recovery facilities, as defined in the Pennsylvania Code.

SANITARY SEWAGE

Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing putrescible material.

SATELLITE DISH ANTENNA

A device incorporating a reflective surface, which is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbital based uses. This definition is meant to include, but not be limited to, what are commonly referred to as "satellite earth stations," "television receivers only" or TCROs, and "satellite microwave antennas."

SAWMILL OPERATION

A principal use, consisting of a building structure or area where timber is cut, sawed or planed, either to finished lumber or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis.

SCHOOL

Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

SCHOOL, COLLEGE

Same as elementary and secondary school except general education is provided above the level of the secondary school and may include junior college, college, or university and is authorized to grant academic degrees.

SCHOOL, COMMERCIAL

A school conducted for profit for such instruction as business, art, music, trades, handicraft, dancing or riding.

SCHOOL, ELEMENTARY

Any school having regular sessions with employed instruction, which teaches those subjects that are fundamental and essential in general education for elementary grades.

SCHOOL, NONPUBLIC

An educational facility not operated by a public agency.

SCHOOL, NURSERY

Any place designed and operated to provide regular instruction and daytime care for four or more children under the age of elementary school, and where tuition or other forms of compensation for the instruction and care of the children is charged. Such facility employs licensed personnel and is licensed by the Commonwealth of Pennsylvania.

SCHOOL, PAROCHIAL
A school supported and controlled by a church or religious organization.

SCHOOL, PRIVATE
Any building or group of buildings the use of which meets State requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

SCHOOL, PUBLIC
A public place of instruction other than a commercial school operated by a public agency.

SCHOOL, SECONDARY
Same as Elementary School except general education is provided for secondary grades.

SCHOOL, TRADE/PROFESSIONAL
See "SCHOOL, COMMERCIAL."

SCHOOL, VOCATIONAL
Same as elementary and secondary school except that the primary activity is training in a trade or vocation.

SCREEN PLANTING
A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining residential districts the structures and uses on the premises on which the screen planting is located.

SCREENING
The provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties, uses and/or districts composed entirely of trees, berms, shrubs, sight-tight fences, walls and/or other similar type materials.

SEISMIC TESTING
Testing conducted on the earth's surface or shallow subsurface for the purpose of evaluating subsurface geological conditions.

SEPTIC SYSTEM
An underground system with a septic tank for the decomposition of wastes.

SETBACK
The distance between the building and any lot line.

SETBACK LINE
See "BUILDING SETBACK LINE."

SEWAGE DISPOSAL SYSTEM (ON LOT)
Any system designed to eliminate sanitary sewage within the boundaries of the lot the system serves.

SEWAGE DISPOSAL SYSTEM (PUBLIC OR COMMUNITY)
A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

SEWER FACILITY
A system of sewage collection, conveyance, treatment and disposal, which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provided for the safe and sanitary treatment and disposal of sewage or other wastes.

SEWER SYSTEM, COMMUNITY
A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more equivalent dwelling units and the treatment and disposal, or both, of the sewage on one or more of the lots or at another site.

SEWER SYSTEM, INDIVIDUAL
A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

SEXUAL ACTIVITIES
Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral

copulation, masturbation, or sodomy; or (3) excretory functions as a part of or in connection with any of the activities set forth in (1) or (2). The term does not include any of the following: medical publications or films or bona fide educational publications or films; any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news; or any publication or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the populations.

SHADOW FLICKER

Alternating changes in light intensity caused by the moving Wind Rotor blade casting shadows on the ground and stationary objects.

SIDEWALK

A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SIDEWALK AREA

That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

SIGHT DISTANCE

The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIMILAR USE

A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele. See "CHANGE OF USE."

SITE

A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SITE PLAN

An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SKETCH PLAN

See "PLAN, SKETCH."

SKILLED OR INTERMEDIATE NURSING CARE

Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

SLOPE

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SMALL ENGINE REPAIR SHOP

A use devoted to the mechanical restoration of machines that power domestic tools and other household devices and appliances.

SOLAR ENERGY SYSTEM

An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include rooftop, building-mounted, ground-mounted and freestanding solar collectors and arrays.

SOLID WASTE TRANSFER FACILITY

Land or structures where solid waste is received and temporarily stored, at a location other than the site where

it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

SPECIAL EXCEPTION (MPC)

A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

SPECIAL FLOOD HAZARD AREA (SFHA)

An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-30, AE, A99, or AH.

SPECIAL OCCASION HOME

An owner-occupied residence of historical and/or architectural significance which is available for private rental for occasions such as business meetings, weddings, receptions, banquets, private parties, fund-raising events, conferences and similar functions, although not otherwise open to the general public. The rental use must be as secondary and subordinate to the residential use.

SPECIFIED ANATOMICAL AREAS

(1) Less than completely and opaquely covered human genitals, pubic regions; buttocks; and female breasts below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

(1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

SPOT ZONING

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive zoning plan.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire, exhibition, or sale.

STEEP SLOPE

Land with a 15 feet or greater change in elevation 100 feet or less in horizontal distance or, in other terms, 15% or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = \frac{0.0023\ I x L}{A}$$

S	=	Average percent slope of site
I	=	Contour interval in feet
L	=	Sum of the length of contours in feet
A	=	Land area in areas of parcel being considered

STOOP

A covered or uncovered area at the front, side or rear door.

STORAGE SHED

A structure not intended for residential occupancy which is accessory to the principal use of the property as a place to store personal property.

STORAGE TRAILER (TEMPORARY USE)

A vehicular, portable structure built on a chassis, designed to be used for storage and transportation of goods. This definition shall apply to all such trailers with dimensions in excess of six feet in width and 19 feet in length.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

STORY, HALF

A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

STREAM
A water course having banks and a channel through which waters flow at least periodically.

STREET (MPC)
Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET GRADE
The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade. Includes established grade.

STREET LINE
The dividing line between the street and the lot, also known as right-of-way line.

STREET WIDTH
The distance between street lines measured at right angles to the center line of the street.

STREET, COLLECTOR
A major street or highway, which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and the streets for circulation within such a development.

STREET, CUL-DE-SAC
See "CUL-DE-SAC."

STREET, DEAD-END
A street with a single common ingress and egress.

STREET, MAJOR ARTERIAL
A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

STREET, MARGINAL ACCESS
A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic. Also known as a Service Road.

STREET, MINOR ARTERIAL
A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

STREET, PAPER
A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

STREET, PRIVATE
A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

STRUCTURE (MPC)
Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, ACCESSORY
A structure detached from a principal structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

STRUCTURE, NONCONFORMING
See "NONCONFORMING STRUCTURE."

STRUCTURE, PRINCIPAL
The main or primary structure on a given lot, tract, or parcel.

STRUCTURE, TEMPORARY
A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDENT
An individual registered for instruction from an educational institution, whether public or private, within a given

calendar year.

STUDENT HOUSING

A living arrangement for no more than four students located in a dwelling having a floor area of at least 1,500 square feet, not including basement, garages and accessory buildings. Students living in student housing shall mean students, typically unrelated, living independently from parents or guardians while attending an education institution.

STUDIO

A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

STUDIO, DANCING OR MUSIC

The use of a premises by a teacher of music or dancing where students are taught these arts for a fee, and where more than one student may be taught in a class at one time.

SUBDIVIDER

The owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or land development under the terms of this Chapter.

SUBDIVISION (MPC)

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, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE

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

SUBSTANTIAL IMPROVEMENT

Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50% of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

SUBSTANTIALLY COMPLETED (MPC)

Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the PA MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUPPLY YARDS

A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

SWALE

A low-lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING, BATHING OR OTHER POOL

A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing. Farm ponds and/or lakes are not included; provided, that swimming was not the primary purpose for their construction.

TAVERN

An establishment which primarily serves alcoholic and/or nonalcoholic beverages for on-premises consumption, licensed by the Pennsylvania Liquor Control Board, where live entertainment can be offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys or live bands for the purposes of supplying musical entertainment. Taverns can offer the retail sale of carry-out beer and consumption of food.

TEMPORARY STRUCTURE

See "STRUCTURE, TEMPORARY."

TEMPORARY USE

A use established for a limited duration with the intent to discontinue such use upon the expiration of the time

period.

THEATER

A building or part of a building devoted to the showing of motion pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR DRIVE-IN

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

THRIFT SHOP

A retail establishment operated by a nonprofit/charitable organization granted Federal exemption pursuant to Section 501(c)(3) of the Internal Revenue Code and is engaged in selling donated used merchandise, such as clothing, shoes, household furnishings and appliances, books, magazines, and sports/recreational equipment.

TOWNHOUSE

A building designed for and occupied exclusively as a residence for one family and one of a group of three or more attached buildings, placed side by side and separated by party walls.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (MPC)

An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional Neighborhood Development is relatively compact, limited in size and oriented toward pedestrian public park, commons, plaza, square, or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origin to destination and is appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAILER

See "MOBILE HOME."

TRANSFERABLE DEVELOPMENT RIGHTS (TDR) (MPC)

The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TRANSFORMER SUBSTATION

An electric substation containing an assemblage of equipment for the purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public, provided that in a residential district, an electric substation shall not include rotating power equipment, storage of materials, trucks or repair facilities or housing of repair crews.

TRANSPORTATION TERMINAL

Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with another line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

TREATMENT CENTER

A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:

1. Criminal rehabilitation, such as a criminal halfway house;
2. Current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or
3. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

TRUCK TERMINAL

Land and buildings used primarily for the storage and maintenance of trucks and/or trailers and to transfer freight from one truck and/or trailer to another. The terminal shall not be used for storage of freight. The terminal may include storage areas for trucks, and buildings for the repair of trucks associated with the terminal.

TURBINE HEIGHT
The distance measured from the surface of the tower foundation to the highest point of the Wind Rotor.

UNCONVENTIONAL FORMATION
A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

UNCONVENTIONAL WELL
A well bore drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

UNDEVELOPED LAND
Any lot, tract or parcel of land, which has not been graded, or in any other manner prepared for the construction of a building.

USE
The specific purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, ACCESSORY
See "ACCESSORY USE."

USE, NONCONFORMING
See "NONCONFORMING USE."

USE, PRINCIPAL
See "PRINCIPAL USE."

UTILITY LINE
A line built and maintained in order to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines and other lines.

VARIANCE
A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. The hardship variance can be granted when the strict enforcement of the zoning ordinance as it applies to a specific lot would present practical difficulties in the use of the property. The hardship relates to the physical characteristics of the property, and without the variance, the property becomes unusable.

VEGETATIVE COVER
An area covered with a vegetative material: grass, shrubs, vines and trees.

VEHICLE BODY SHOP
A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of motor vehicles; provided, that all repair and paint work is performed within an enclosed building and all motor vehicle parts, refuse and similar articles are stored within a building or enclosed area. Mechanical repairs, the sale of lubricants, etc., may or may not be included as accessory uses.

VEHICLE, DISMANTLED OR NONOPERABLE
A vehicle which does not display the current Pennsylvania State inspection certificate and is manifestly incapable of being locomotive in its existing condition. This does not include agricultural machinery and equipment.

VEHICLE, MOBILE/MANUFACTURED HOME AND/OR TRAILER SALES LOT
An open lot used for the outdoor display or sales of new or used automobiles, for mobile homes and where minor and incidental repair work (other than body and fender) may be done.

VEHICLE, REPAIR GARAGE
A building on a lot designed and/or used primarily for mechanical repairs, storage, rental or servicing of automobiles, trucks and similar motor vehicles.

VENTILATING SHAFTS
Any structure designed to furnish air and/or power, including transformation and conversion of said power, to underground coal mines.

VESTED RIGHT
A right that cannot be changed or altered by changes in regulation.

VETERINARIAN

A qualified professional trained in the care and treatment of animals and in particular domestic animals. For the purpose of this Zoning Ordinance the term "veterinarian" includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters and the like).

VETERINARY

See "ANIMAL CLINIC/HOSPITAL."

VIEWSHED

That portion of the landscape which can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

VINEYARD

Ground planted with grapevines cultivated for the purpose of commercially producing wine. A vineyard is an agricultural use where grapes and/or other wine producing crops are grown.

WALL

An upright structure of masonry, wood, plaster or other building material to enclose, divide or protect an area.

WAREHOUSING AND DISTRIBUTION CENTERS

A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

WATER COURSE

A stream of water, river, brook, creek, or channel or ditch for water, whether natural or man-made.

WATER FACILITY

Any waterworks, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

WATER IMPOUNDMENT

Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features.

WATER PURVEYOR

Any of the following:

1. The owner or operator of a public water system as defined in Section 3 of the PA Safe Drinking Water Act (P.L. 206, No. 43); or
2. Any person subject to the Water Rights Law (P.L. 842, No. 365).

WATER SOURCE

Any of the following:

1. Waters of the Commonwealth;
2. A source of water supply used by a water purveyor;
3. Mine pool and discharges; or
4. Any other waters that are used for drilling or completing a well in an unconventional formation.

The term does not include flow back or production waters or other fluids:

1. Which are used for drilling or completing a well in an unconventional formation; and
2. Which do not discharge into waters of the Commonwealth.

WATER SURVEY (MPC)

An inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

WATER SYSTEM

A group of facilities used to provide water for human consumption including facilities used for collection, treatment, storage and distribution. The facilities shall constitute a system if they are adjacent or geographically proximate to each other and meet at least one of the following criteria: (1) The facilities provide water to the same establishment which is a business or commercial enterprise or an arrangement of residential or nonresidential structures having a common purpose and includes mobile home parks, multi-unit housing complexes, phased subdivisions, campgrounds and motels. (2) The facilities are owned, managed or operated

by the same person. (3) The facilities have been regulated as a single public water system under the Federal act or the Act. This definition may not be interpreted to require two or more currently regulated public water systems to become one system.

1. **TREATMENT TECHNIQUE**
   A requirement which specifies a specific treatment method known to cause a reduction in the level of a contaminant which cannot practically be regulated by establishing an MCL. The term includes treatment technique requirements established under the Federal act, and treatment technique requirements adopted under the PA Clean Water Act;

2. **WATER SYSTEM, COMMUNITY**
   A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least twenty-five-year-round residents;

3. **WATER SYSTEM, NONCOMMUNITY**
   A public water system which is not a community water system;

4. **WATER SYSTEM, OFF-LOT**
   An approved system in which potable water is supplied to a dwelling or other building from a central water source, which is not located on the lot with the dwelling or building;

5. **WATER SYSTEM, ON-LOT**
   A well or other approved system designed to provide potable water to a dwelling or other building located on the same lot as the source; and

6. **WATER SYSTEM, PUBLIC**
   A water system as defined by the PA Department of Environmental Protection, which has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under control of the operator which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

WATER TREATMENT FACILITY
A facility used for treating the flow back water and solutions used in the process of hydraulic fracturing in order to extract natural gas from the Marcellus Shale. The treatment facility is where the flow back water and solutions will be taken once the process of hydraulic fracturing is done in order to ensure that the water will be treated properly removing any harmful chemicals, compounds and radionuclides prior to being hauled off site for reuse or released into a major tributary. Typical Water Treatment Facilities will include, but are not limited to, multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

WATER WITHDRAWAL AND DISTRIBUTION FACILITY
A facility immediately adjacent to a river, tributary, or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, storing water on a temporary basis that is intended to be transferred by vehicle to a natural gas well pad for the purpose of hydraulic fracturing. This definition also includes hydrants and/or valves connected to a municipal water system, containing a truck loading and staging area, for water to be transferred by vehicle to a natural gas well pad for the purpose of hydraulic fracturing.

WELL BORE
The surface location of the center of the drill hole.

WETLANDS
Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Definition used by U.S. Environmental Protection Agency and U.S. Army Corps of Engineers.)

WILD OR EXOTIC ANIMALS
Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal that is wild, fierce, dangerous, noxious or naturally inclined to do harm. "Wild animals," however domesticated, shall also include but not be limited to: (1) Dog

family (Canidea): all except domesticated dogs, including wolf, fox, coyote, dingo, wolf hybrids, etc.; (2) Cat family (Felidea): all except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.; (3) Bears (Ursidea): all bears, including grizzly bears, brown bears, black bears, etc.; (4) Weasels (Mustelidea): all, including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc.; (5) Raccoons (Procynniddae): all raccoons and civets; (6) Porcupine (Erethizontidae): all porcupines; (7) Skunks; (8) Snakes: all venomous and constricting snakes; (9) Venomous lizards; (10) Crocodilians: all alligators, caimans, crocodiles, gavials, etc.; (11) Venomous Fish and piranha; and (12) Venomous invertebrates.

WIND ENERGY FACILITY

An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WINE TASTING ROOM AND RETAIL SALES

Independent wine tasting room or portion of a facility of a winery where the public may sample products provided by the winery and which has ancillary wine-related retail sales including tasting events.

WINERY

A facility specially designed to allow processing of grapes and other fruit products or vegetables, to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery, and warehousing. A winery may include barrel rooms, bottling rooms, tank rooms, laboratories and offices, as well as uses that are clearly incidental to the production of wine. A winery may also include retail and wholesale sales of wine, catering areas, banquet areas or rooms, halls, winery events, tours, picnic areas, food service and a tasting facility.

WIRELESS TELECOMMUNICATIONS FACILITIES

A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices and includes a telecommunications tower and antennas and telecommunications site and personal wireless facility. This includes, without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to, structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt exclusively for the Borough's fire, police or exclusively for private, noncommercial radio and television reception and private citizens bands, amateur radio and other similar noncommercial telecommunications where the height of the facility is below the height limits set forth in this Chapter.

YARD LINE

See "BUILDING SETBACK LINE."

YARD SALE

The display of personal possessions, and those of friends, relatives and neighbors for the sale to the general public upon the property of one's residence.

YARD, BUFFER

See "BUFFER YARD."

YARD, DEPTH

The shortest distance between a lot line and a required setback line.

YARD, FRONT

A space parallel to the front lot line and extending the full width of the lot between a required front setback line and the front lot line.

YARD, INTERIOR

An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard.

YARD, REAR

A space parallel to the rear lot line and extending across the full width of the lot between the required rear setback line and the rear lot line.

YARD, REQUIRED
An open space located on the same lot with a building unoccupied and unobstructed from the ground up, except for permitted accessory buildings or such projections as are expressly permitted. The minimum depth or width of a required yard shall consist of the horizontal distance between the lot line and the required building setback line.

YARD, SIDE
A space parallel to the rear lot line and extending from the front yard to the rear yard between the required side setback line and the side lot line.

ZERO LOT LINE
The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONE
Same as "ZONING DISTRICT."

ZONING
A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement and other development standards.

ZONING DISTRICT
A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

ZONING HEARING BOARD
The Zoning Hearing Board of Canton Borough, Bradford County, PA, appointed by the Borough Council.

ZONING MAP
The map setting forth the boundaries of the Zoning Districts of the Canton Borough which shall be part of this Chapter.

ZONING OFFICER
The administrative officer appointed by the Canton Borough Council to administer the zoning ordinance and issue zoning permits.

ZONING PERMIT
A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building that acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

PART 3. DESIGNATION OF ZONING DISTRICTS, DISTRICT PURPOSE STATEMENTS, THE ZONING MAP, INTERPRETATION OF BOUNDARIES, ANNEXATION AND USES NOT PROVIDED FOR AND DISTRICT USE TABLES

§ 27-300. Designation of Districts.

[Ord. 578, 3/9/2015]

For the purpose of implementing the goals and objectives of this Chapter and the 2003-2005 Joint Community Comprehensive Plan for the Granville Township, Canton Borough and Canton Township, Canton Borough is hereby divided into Districts that will be designated as follows:

R1	-	Low Density Residential District
R2	-	Medium Density Residential District
MHP	-	Mobile Home Park District
CB	-	Central Business District
C-1	-	Commercial District

I	-	Industrial District
OS	-	Open Space District
FP	-	Floodplain District

§ 27-301. District Purpose Statements.

[Ord. 578, 3/9/2015]

1. Low Density Residential (R1) District. The intent of the Low Density Residential (R1) District is to provide standards that protect the existing character of the District and for the orderly expansion of additional low density development, where there is potential. The District is compatible with areas of the Borough that provide both municipal sewer and water services. The Low Density Residential District promotes a safe family, home environment meeting minimum standards for health and safety against hazards and nuisances and promotes other uses such as adult care facilities, educational uses, home occupations, mixed residential uses and other essential services;

2. Medium Density Residential (R2) District. The intent of the Medium Density Residential (R2) District is to provide for the orderly development of existing and proposed medium density residential areas compatible with areas of the Borough that provide both municipal sewer and water services. The Medium Density Residential (R2) District promotes a safe family, home environment at a higher building density, yet still meeting minimum standards for health and safety against hazards and nuisances and promotes other uses such as adult care facilities, educational uses, home occupations, mixed residential uses and other essential services;

3. Mobile Home Park (MHP) District. The intent of the Mobile Home Park (MHP) District is to provide for the orderly development of existing and proposed mobile home parks and ensures interdependency and compatibility with municipal sewer and water, utilities and other surrounding land uses. The District also provides residents with an alternative form of affordable housing that varies in design, type and layout;

4. Central Business (CB) District. The intent of the Central Business (CB) District is to provide for a unified and organized arrangement of buildings, service and parking areas, together with adequate circulation and open space, planned and designed as an integrated unit, in a manner so as to provide an efficient, safe, convenient and attractive commercial core. Residential uses are appropriate for existing residential structures and upper stories of existing commercial buildings;

5. Commercial (C1) District. The intent of the Commercial (C1) District is to provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services as well as those of a social, cultural and civic nature, especially for those particular uses located on Route 14 outside of the Central Business (CB) District. Appropriate commercial uses will not generate excessive noise or heavy traffic, and shall maintain hours which will not disrupt the residential character of adjoining residential districts;

6. Industrial (I) District. The intent of the Industrial (I) District is to provide sufficient space, in appropriate locations, to meet the current and anticipated future needs for wide range of industrial activity. The District intends to maximize existing facilities, services and utilities, while minimizing the negative effects that may be caused by the manufacturing, processing, assembly or storage of products through performance standards controlling odor, smoke, dust, vibration, etc. Facilities shall be compatible with municipal sewer, water and available utilities;

7. Open Space (OS) District. The intent of the Open Space (OS) District is to provide for the preservation and conservation of the open space while providing for such uses and development as are compatible with these objectives and to provide appropriate space for recreation use that is compatible with the surrounding districts; and

8. Floodplain (FP). The Floodplain (FP) District includes the areas of Canton Borough, which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base and other adverse effects on the public health, safety and general welfare. The intent of this District shall be to protect areas of floodplain subject to and necessary for the containment of floodwaters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Borough. It is therefore determined that the special and paramount public interest in the floodplain justifies the regulation of property located therein as provided in this District, which is in the exercise of the police power of the municipality, for the protection of the persons and property of its inhabitants, and for

the preservation of the public health, safety and general welfare.

§ 27-302. The Zoning Map.

[Ord. 578, 3/9/2015]

1. The locations and boundaries of the above districts are shown upon the map attached to and made a part of the ordinance codified in this Chapter, which shall be designated "The Canton Borough Zoning Map." [1]This Zoning Map and all notations, references and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described in this Section; and
   [1] *Editor's Note: The Zoning Map is* ***attached to this Chapter****.*
2. If changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered promptly on the said map. All changes, certified by the Borough Council, shall be initialed on the map together with a brief description of the changes and the date of the enactment of such changes, under the word "Revised." No amendment to this Chapter, which involves matter portrayed on the Zoning Map, shall become effective until after such change and entry has been shown on the said map.

§ 27-303. Interpretation of Zoning District Boundaries.

[Ord. 578, 3/9/2015]

1. The boundaries between districts are shown by District Boundary Lines on the Zoning Map. Where uncertainty exists as to boundaries of any districts shown on the Zoning Map, the following rules shall apply:
   A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines;
   B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
   C. Boundaries indicated as approximately following Borough limits shall be construed as following such Borough limits;
   D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
   E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines and, in the event the stream or other body of water moves, the boundary shall move with the center line of such;
   F. Boundaries indicated as parallel to or extensions of features indicated in Subsections **1A** through **E** of this Section, shall be so construed. The scale of the map shall determine distances not specifically indicated on the Zoning Map;
   G. Where physical features existing on the ground are alleged to be at variance with those illustrated on the Zoning Map, or in other circumstances not covered by Subsections **1A** through **E** of this Section, it shall be the function of the Zoning Officer to interpret and apply the map;
   H. In the case of any uncertainty as to Zoning District boundaries on the Zoning Map, the Zoning Officer shall determine the Zoning District Boundaries; however, the Zoning Officer's determination may be appealed to the Zoning Hearing Board; and
   I. Where one or more district boundary lines divides a lot held in single ownership, the regulations of one of the districts on either side of any such boundary line may be chosen by the owner to apply to the portion of such lot in the district on the other side of such line for a distance of not more than 50 feet beyond the district boundary line.

§ 27-304. Annexation.

[Ord. 578, 3/9/2015]

All territory, which may hereafter be annexed by Canton Borough, shall be automatically included in the District that most nearly corresponds to the zoning classification of the land at the time of Annexation, unless otherwise specified in the Ordinance of Annexation.

§ 27-305. Uses Not Provided For.

[Ord. 578, 3/9/2015]

1. If a use is neither specifically permitted nor prohibited under this Chapter and a Landowner makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a Conditional Use. The Borough Council shall permit the use or deny the use in accordance with the standards for the consideration of Conditional Uses contained in this Chapter. The use may be permitted if the particular use meets all five criteria listed below:

   A. Is of the same general character as the enumerated permitted uses in the zone;

   B. Is in accordance with the intended purpose of the zone;

   C. Is compatible with the permitted uses in the zone;

   D. Is not permitted in any other zone by the Ordinance; and

   E. Will comply with all Performance Standards applicable to permitted uses in the zone. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character as the enumerated permitted uses in the zone, is in accordance with the intended purpose of the zone, is compatible with the permitted uses in the zone, is not permitted in any other zone, will comply with all Performance Standards set forth in Part **6** applicable to permitted uses in the zone and will not be detrimental to the public health, safety and welfare of the neighborhood.

§ 27-306. District Use Table.

Table 306.1 lists the types of uses permitted by this Zoning Ordinance by District using the designations listed below:

PR:	"Permitted by Right" (Zoning Decision by Zoning Officer)
SE:	"Permitted by Special Exception" (Zoning Decision by Zoning Hearing Board)
CD:	"Permitted by Conditional Use" (Zoning Decision by the Canton Borough Council)
AC:	"Permitted as an Accessory Use" (Zoning Decision by Zoning Officer).
N:	Designates uses that are "Not Permitted" within each specified district.

Proposed uses located within the Floodplain (FP) District shall comply with the underlying zoning district and associated Canton Borough Floodplain regulations.

Table 306.1 Canton Borough Zoning District Use Table

Types of Uses	Low Density Residential (R1)	Medium Density Residential (R2)	Mobile Home Park (MHP)	Central Business District (CB)	Commercial (C1)	Industrial (I)	Open Space (OS)
Adult Care Facilities							
Adult Day Care Center (§ **27-501**)	SE	SE	N	N	N	N	N
Nursing Homes (§ **27-542**)	SE	SE	N	N	N	N	N
Personal Care Homes (§ **27-545**)	SE	SE	N	N	N	N	N
Adult Related Uses (§ 27-502)							

Table 306.1 Canton Borough Zoning District Use Table							
Types of Uses	**Low Density Residential (R1)**	**Medium Density Residential (R2)**	**Mobile Home Park (MHP)**	**Central Business District (CB)**	**Commercial (C1)**	**Industrial (I)**	**Open Space (OS)**
Adult Bookstore/Retail	N	N	N	N	N	CD	N
Adult Cabaret	N	N	N	N	N	CD	N
Adult Massage Establishment	N	N	N	N	N	CD	N
Adult Mini-Motion Picture Theater	N	N	N	N	N	CD	N
Adult Motion Picture Theater	N	N	N	N	N	CD	N
Adult Movie Theater	N	N	N	N	N	CD	N
Adult Theater	N	N	N	N	N	CD	N
Amusement Arcade	N	N	N	PR	N	N	N
Animal Clinics/ Hospitals, Veterinary Care	N	N	N	N	PR	N	N
Antennas (Standard)	PR	PR	PR	PR	PR	PR	PR
Apartment, Accessory (§ **27-503**)	CD	CD	N	N	N	N	N
Apartments, Building	N	CD	N	PR	N	N	N
Apartment Complex	CD	CD	N	N	N	N	N
Apartment, Conversion (§ **27-504**)	PR	PR	N	N	N	N	N
Aquaculture, Fisheries & Apiaries	N	N	N	N	PR	N	N
Automatic/Manual Car Wash (§ **27-505**)	N	N	N	PR	PR	N	N
Automotive							
Body Shop (§ **27-506**)	N	N	N	N	SE	N	N
Car Sales, New & Used (§ **27-507**)	N	N	N	PR	PR	N	N
Maintenance/Repair Garage (§ **27-506**)	N	N	N	SE	SE	N	N
Service Station (§ **27-506**)	N	N	N	SE	SE	N	N
Trailer & Coach Sales (§ **27-507**)	N	N	N	N	PR	N	N
Bakery (Retail/ Wholesale)	N	N	N	PR	PR	SE	N
Banks/Financial Institutions	N	N	N	PR	N	N	N
Bars/Taverns (§ **27-508**)	N	N	N	PR	PR	N	N
Bed & Breakfast Homes and Inns (§ **27-509**)	PR	PR	N	PR	N	N	N
Boarding Homes (Include Rooming & Lodging Houses) (§ **27-510**)	PR	PR	N	PR	N	N	N

Table 306.1 Canton Borough Zoning District Use Table							
Types of Uses	**Low Density Residential (R1)**	**Medium Density Residential (R2)**	**Mobile Home Park (MHP)**	**Central Business District (CB)**	**Commercial (C1)**	**Industrial (I)**	**Open Space (OS)**
Building Supplies/Home Improvement	N	N	N	PR	PR	N	N
Cemeteries	N	N	N	N	N	N	CD
Child/Youth Care Facilities							
Child Day Care (§ **27-511**)	SE	SE	N	SE	N	N	N
Family Day Care Home	AC	AC	N	N	N	N	N
Nursery School (§ **27-541**)	SE	SE	N	SE	N	N	N
Christmas Tree Farm/ Tree Farm	N	N	N	N	PR	N	N
Churches, Places of Worship and Church-Related Educational and Day Care Facilities (§ **27-512**)	PR	PR	N	N	N	N	N
Clubs, Lodges, Lodges & Fraternal Organizations (§ **27-513**)	N	N	N	PR	N	N	N
Communications Antennas (Commercial), Towers and/or Equipment Buildings (§ **27-514**)	N	N	N	PR	PR	PR	PR
Compressed Natural Gas (CNG) Dispensing Station (§ **27-515**)	N	N	N	N	SE	SE	N
Compressor and Metering Stations (§ **27-516**)	N	N	N	N	CD	PR	N
Contractor's Yard	N	N	N	N	PR	N	N
Convenience Stores With Gas Dispensing (§ **27-517**)	N	N	N	PR	PR	N	N
Commercial Facilities Selling Carpentry, Cabinets, Furniture Repair and Upholstery, Electric, Metal Working, Tin Smith, Welding Shops, Plumbing, Gas, Steam or Hot Water Fitting Shops (Completely Enclosed Buildings, Primarily Sale and Not Manufacturing)	N	N	N	PR	PR	N	N
Crematorium (§ **27-518**)	SE	SE	N	SE	SE	N	N
Dormitory Style Housing Facility (§ 27-519)							

Table 306.1 Canton Borough Zoning District Use Table							
Types of Uses	**Low Density Residential (R1)**	**Medium Density Residential (R2)**	**Mobile Home Park (MHP)**	**Central Business District (CB)**	**Commercial (C1)**	**Industrial (I)**	**Open Space (OS)**
Minor Dormitory Style Housing Facilities	N	N	N	SE	SE	SE	N
Major Dormitory Style Housing Facilities	N	N	N	SE	SE	SE	N
Drive-Thru Facilities for Permitted Commercial Uses (§ **27-520**)	N	N	N	PR	PR	N	N
Educational Institutions, Public or Private	PR	PR	N	N	PR	N	PR
Entertainment Facilities	N	N	N	PR	N	N	N
Farm/Roadside Stand (§ **27-521**)	PR	PR	PR	N	N	N	N
Farmers/Flea Market (§ **27-522**)	N	N	N	PR	N	N	N
Firearm Repair and Sales (§ **27-523**)	N	N	N	PR	PR	N	N
Fitness Center	N	N	N	PR	PR	N	N
Florists	N	N	N	PR	N	N	N
Fuel Storage/ Distribution Center (§ **27-524**)	N	N	N	N	N	SE	N
Funeral Homes/ Mortuary (§ **27-525**)	N	PR	N	N	PR	N	N
General Retail and Personal Service Businesses	N	N	N	PR	PR	N	N
Government or Public Service Buildings (§ **27-526**)	PR	PR	PR	PR	PR	PR	PR
Group Homes (§ **27-527**)	N	N	N	CD	CD	N	N
Group Quarters (§ **27-528**)	N	N	N	SE	SE	N	N
Greenhouses & Nurseries (Commercial)	N	N	N	N	PR	N	N
Home Occupations (§ **27-529**)	AC	AC	AC	N	N	N	N
Horticulture Activities (Greenhouses for Personal Use)	AC	AC	AC	N	N	N	N
Hospitals	N	N	N	N	PR	N	N
Household, Office Equipment & Machine Repairs	N	N	N	PR	PR	N	N
Industrial Complexes	N	N	N	N	N	PR	N
Kennels (Commercial) § **27-530**)	N	N	N	N	N	PR	N

Table 306.1 Canton Borough Zoning District Use Table							
Types of Uses	**Low Density Residential (R1)**	**Medium Density Residential (R2)**	**Mobile Home Park (MHP)**	**Central Business District (CB)**	**Commercial (C1)**	**Industrial (I)**	**Open Space (OS)**
Laundromat/Dry Cleaners	N	N	N	PR	PR	N	N
Library	N	N	N	PR	N	N	N
Lumber Yards	N	N	N	N	PR	N	N
Machine Shops	N	N	N	N	PR	PR	N
Manufacturing of Electric and Electronic Instruments and Devices: Television, Radio and Other Phonographic Equipment	N	N	N	N	N	PR	N
Manufacturing Use Involving Primary Production from Raw Materials (including the Brewing and Distilling of Liquors, Bricks, Pottery, Manufacturing, Stone or Monument Work)	N	N	N	N	N	PR	N
Manufacturing, Assembly or Packing of Products From Previous Prepared Materials: Cloth, Plastic, Paper, Leather, Precious or Semi-Precious Metals or Stones	N	N	N	N	N	PR	N
Manufacturing of Food Products, Pharmaceuticals and Related Products	N	N	N	N	N	PR	N
Massage Therapy (§ **27-531**)	N	N	N	PR	N	N	N
Medical/Dental Office Buildings and Testing Laboratories (including Mobile Units) (§ **27-532**)	N	N	N	N	PR	N	N
Metal Appliance Manufacturing and Assembly, Structural Steel Fabricating Shops, Forges and Foundries	N	N	N	N	N	PR	N
Mini Self-Storage Units (§ **27-533**)	N	N	N	N	PR	PR	N
Mixed Uses (§ 27-534)							
Mobile Home Courts/ Parks (§ **27-535**)	N	N	PR	N	N	N	N

Table 306.1 Canton Borough Zoning District Use Table

Types of Uses	Low Density Residential (R1)	Medium Density Residential (R2)	Mobile Home Park (MHP)	Central Business District (CB)	Commercial (C1)	Industrial (I)	Open Space (OS)
Mobile Home/ Manufactured Home Sales	N	N	N	N	PR	N	N
Mobile Homes on Individual Lots	N	N	PR	N	N	N	N
Motels, Hotels & Similar Lodging Facilities § **27-536**)	N	N	N	N	PR	N	N
Museums and Cultural Facilities (§ **27-537**)	CD	CD	N	PR	N	N	N
Natural Gas Processing Plant (§ **27-538**)	N	N	N	N	N	PR	N
Newspaper Publishing	N	N	N	PR	N	N	N
No Impact Home-Based Business (§ **27-539**)	PR	PR	PR	N	N	N	N
Nonresidential Conversion (§ **27-540**)	PR	PR	PR	PR	PR	PR	PR
Office Complexes	N	N	N	N	PR	N	N
Offices, Professional (Conversion, First Floor)	N	CD	N	PR	PR	N	N
Oil and Gas Well Pad Development (§ **27-543**)	N	N	N	N	N	PR	N
Outdoor Fuel Burning Appliance (§ **27-544**)	AC	AC	N	N	AC	AC	N
Parking Lots	N	PR	N	PR	PR	PR	PR
Personal Storage Sheds	AC	AC	AC	N	N	N	N
Pet Store	N	N	N	PR	N	N	N
Philanthropic/ Eleemosynary Institutions	N	PR	N	PR	N	N	N
Pipe Yard and Equipment Staging Area (§ **27-546**)	N	N	N	N	PR	PR	N
Private Garages (un-less Attachment Required by Covenant)	AC	AC	N	N	N	N	N
Professional, Business and Technical Schools or Schools and Studios for Photography, Music, Art and Dance	N	N	N	N	PR	N	N
Public or Semi-Public Parks or Playgrounds	N	N	N	N	N	N	PR
Public or Semi-Public Swimming Pools (§ **27-547**)	N	N	N	N	N	N	PR

Table 306.1 Canton Borough Zoning District Use Table							
Types of Uses	**Low Density Residential (R1)**	**Medium Density Residential (R2)**	**Mobile Home Park (MHP)**	**Central Business District (CB)**	**Commercial (C1)**	**Industrial (I)**	**Open Space (OS)**
Public Utility Facilities (§ **27-548**)	PR	PR	PR	PR	PR	PR	PR
Raising, Cultivation, Harvesting and Sale of Trees or Other Forestry Products Whether for Soil Conservation Purposes or Commercial Sale	N	N	N	N	PR	N	N
Raising of Livestock for Personal Use	PR	PR	N	N	N	N	N
Repair Service	N	N	N	PR	PR	N	N
Residential Treatment Facility (§ **27-549**)	CD	CD	N	N	N	N	N
Restaurants (§ **27-550**)	N	N	N	PR	PR	N	N
Sawmill Operation (§ **27-551**)	N	N	N	N	N	PR	N
Shooting Ranges (Indoor) (§ **27-552**)	N	N	N	N	PR	N	N
Signs (Refer To Part **8**)							
Single- & Two-Family Dwellings							
Single-Family Detached Dwellings	PR	PR	N	N	N	N	N
Single-Family Semi-Detached Dwellings	PR	PR	N	N	N	N	N
Two-Family Semi-Detached Dwellings	PR	PR	N	N	N	N	N
Solar Energy System (Collectors and Arrays) (§ **27-553**)	AC	AC	AC	AC	AC	AC	AC
State Liquor Store	N	N	N	PR	N	N	N
Storage Trailers (Temporary)	N	N	N	N	PR	PR	N
Swimming Pools (Private)(§ **27-554**)	AC	AC	N	N	N	N	N
Tattoo/Body Piercing Parlors (§ **27-555**)	N	N	N	PR	N	N	N
Temporary Uses (Special Events) (§ **27-556**)	PR	PR	PR	PR	PR	PR	PR
Thrift/Consignment Shop	N	N	N	PR	PR	N	N
Townhouse	PR	N	N	N	N	N	N
Transformer Substation	N	N	N	N	N	PR	N
Transportation Terminals							

Table 306.1 Canton Borough Zoning District Use Table							
Types of Uses	**Low Density Residential (R1)**	**Medium Density Residential (R2)**	**Mobile Home Park (MHP)**	**Central Business District (CB)**	**Commercial (C1)**	**Industrial (I)**	**Open Space (OS)**
Professional, Business and Technical Schools or Schools and Studios for Photography, Music, Art and Dance	N	N	N	N	PR	N	N
Public or Semi-Public Parks or Playgrounds	N	N	N	N	N	N	PR
Public or Semi-Public Swimming Pools (§ **27-547**)	N	N	N	N	N	N	PR
Public Utility Facilities (§ **27-548**)	PR	PR	PR	PR	PR	PR	PR
Raising, Cultivation, Harvesting and Sale of Trees or Other Forestry Products Whether for Soil Conservation Purposes or Commercial Sale	N	N	N	N	PR	N	N
Raising of Livestock for Personal Use	PR	PR	N	N	N	N	N
Repair Service	N	N	N	PR	PR	N	N
Residential Treatment Facility (§ **27-549**)	CD	CD	N	N	N	N	N

PART 4. AREA, WIDTH AND COVERAGE REQUIREMENTS

§ 27-400. Low Density Residential (R1).

[Ord. 578, 3/9/2015]

	Lot Requirements			**Yard Setback and Height Requirements**			
Permitted Use	**Minimum Lot Size (feet^2)**	**Minimum Width (feet)**	**Maximum Impervious Coverage (%)**	**Front Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**	**Maximum Height (feet)**
Single-Family Detached	10,500/unit	60	20	20	5	20	35
Single-Family Semi-Detached	11,500/structure	80	30	20	10	20	35
Townhouse	3,000/unit	20/unit	40	20	10	20	35
Two-Family Semi-Detached	11,500/structure	80	30	20	10	20	35
Churches							
Bed & Breakfast Homes and Inns							
Boarding Home							

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)
Essential Services							
No Impact Home Based Business							
Accessory Uses							
Home Occupation	See Primary Use Above to which it is Accessory						
Family Day Care Home							

§ 27-401. Medium Density Residential (R2).

[Ord. 578, 3/9/2015]

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)
Single-Family Detached	10,500/unit	60	20	20	10	20	35
Single-Family Semi-Detached	11,500/structure	80	30	20	10	20	35
Townhouse	3,000/unit	20/unit	40	20	10	20	35
Two-Family Semi-Detached	11,500/structure	80	30	20	10	20	35
Churches							
Bed & Breakfast Homes and Inns							
Boarding Home							
Essential Services							
No Impact Home Based Business							
Accessory Uses							
Home Occupation	See Primary Use Above to which it is Accessory						
Family Day Care Home							

§ 27-402. Mobile Home Park (MHP).

[Ord. 578, 3/9/2015]

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)
Mobile Home	217,800	100	70	20	20	40	35

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)
Courts/Parks[1]							
Mobile Homes on Individual Lots[1]	5,000	80	30	20	20	20	35
Essential Services	11,500	80	30	20	20	20	35
No Impact Home Based Business							
Accessory Uses							
Home Occupation	See Primary Use Above to which it is Accessory						

1 All mobile home parks shall be required to provide an attractive visual screen along the boundary of the mobile home park.

2 All mobile homes shall be located at least 30 feet from any park property boundary line abutting upon a public street or highway right-of-way and at least 15 feet from other park property boundary lines. In addition, there shall be a minimum distance of 15 feet between an individual mobile home (including accessory structures attached thereto) and adjoining pavement of a park street, a common parking area or other common areas.

§ 27-403. Central Business District (CB).

[Ord. 578, 3/9/2015]

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)
All Uses (unless otherwise specified in the general provisions)	4,000	30	90	20	5	10	35

§ 27-404. Commercial District (C1).

[Ord. 578, 3/9/2015]

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)[1]	Rear Yard (feet)[1]	Maximum Height (feet)
All Uses (unless otherwise specified in the general provisions)	15,000	100	75	30	5	20	35

1 All lot lines abutting Residential Districts along the side or rear shall be appropriately screened by fences, walls, and/or other suitable enclosures having a minimum height of four feet and a maximum height of seven feet, or be screened by year round planting.

§ 27-405. Industrial District (I).

[Ord. 578, 3/9/2015]

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)[1]	Rear Yard (feet)[1]	Maximum Height (feet)
All Uses (unless otherwise specified in the general provisions)	20,000	100	75	30	20	40	35

[1] All lot lines abutting Residential Districts along the side or rear shall be appropriately screened by fences, walls, and/or other suitable enclosures having a minimum height of four feet and a maximum height of seven feet, or be screened by year round planting.

§ 27-406. Open Space District (OS).

[Ord. 578, 3/9/2015]

Permitted Use	Lot Requirements			Yard Setback and Height Requirements			
	Minimum Lot Size (feet^2)	Minimum Width (feet)	Maximum Impervious Coverage (%)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)
All Uses (unless otherwise specified in the general provisions)	20,000	100	30	20	20	30	35

§ 27-407. Setbacks for Accessory Structures in All Districts.

[Ord. 578, 3/9/2015]

All Accessory Structures shall be set back from the side and/or rear lot lines for a distance of five feet, but prohibited in the front yard.

PART 5. GENERAL PROVISIONS

§ 27-500. Use Regulations.

[Ord. 578, 3/9/2015]

The purpose of this Part supplements the District regulations found in Part **3** with additional requirements applicable to certain specific uses.

§ 27-501. Adult Day Care Center.

[Ord. 578, 3/9/2015]

1. Adult Day Care Centers are permitted as a Special Exception (SE) within the Low Density Residential (R1) and Medium Density Residential (R2) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

B. Adult Day Care Centers may use an existing residential building and occupied as a single-family residence for the owner or the employee of the owner giving day care services to not more than six adults and shall be fully ADA Accessible;

C. The facility shall be conducted and operated in compliance with all Pennsylvania Department of Aging registration, certification and licensing requirements and any other local, State or Federal regulations;

D. No overnight customers and/or guests are permitted, as hours of operation shall be limited to 5:00 a.m. to 9:00 p.m.;

E. A Buffer Yard and Screen Planting of no less than 10 feet in depth shall be established along rear and side lot lines in accordance with § **27-602** of this Chapter;

F. Any outdoor recreation areas shall be fully enclosed with a fence in accordance with § **27-605** of this Chapter;

G. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site; and

H. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter. Off-Street Parking facilities shall provide a minimum of two handicapped parking spaces or 5% of the required parking spaces, whichever is greater.

§ 27-502. Adult-Related Uses.

[Ord. 578, 3/9/2015]

1. Adult-Related Uses (Adult Book/Retail Store, Adult Cabaret, Adult Mini-Motion Picture Theater, Adult Motion Picture Theater, Adult Movie Theater, Adult Theater, etc.) are permitted by Conditional Use (CD) within the Industrial (I) zone, subject to the following criteria:

   A. Any building or structure used and occupied as an Adult-Related Use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure;

   B. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;

   C. Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter and warning all other persons that they may be offended upon entry;

   D. No Adult-Related Use may change to another Adult-Related Use, except upon approval of an additional Conditional Use;

   E. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;

   F. No sexual activity or conduct shall be permitted;

   G. No more than one Adult-Related Use may be located within one building and no more than one Adult-Related Use within a 1,000-foot radius;

   H. No person shall operate an Adult-Related Use without first obtaining a Zoning Permit as provided in this Chapter and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Zoning Officer will also perform regular inspections;

   I. No Adult-Related Use shall be located within 600 feet of any parcel of land which contains any one or more of the following specified land uses:

      (1) Adult or Child Care Facility;

      (2) Church or other similar religious facility;

      (3) Community Center;

(4) Museum and Cultural Facilities;

(5) Park;

(6) Playground;

(7) School; and

(8) Other lands where minors congregate.

J. The Canton Borough Council may attach additional conditions pursuant to this Section, in order to protect the public's health, safety, morals and welfare. These conditions may include, but are not limited to, increased building setbacks.

§ 27-503. Apartment, Accessory.

[Ord. 578, 3/9/2015]

1. Accessory Apartments are permitted as a Conditional Use (CD) in the Low Density Residential (R1) and Medium Density Residential (R2) zones. Where permitted, an Accessory Apartment may be created in a Single-Family Detached dwelling existing as of the effective date of the ordinance codified in this chapter; provided, that:

   A. The Apartment will be a complete and separate housekeeping (plumbing, electric meter, sewer, water, etc.) unit that can be isolated from the original unit;

   B. Only one Accessory Apartment will be created within a Single-Family Detached dwelling unit;

   C. The owner(s) of the residence in which the Accessory Apartment is created shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences;

   D. The Accessory Apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a Single-Family Detached dwelling. Where possible, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original structure by more than 10%;

   E. The design and size of the apartment conforms to all applicable State and Borough standards/codes including, but not limited to, Pennsylvania Uniform Construction Code;

   F. The Accessory Apartment shall be no more than 30% of the structure's total floor area nor greater than 800 square feet;

   G. A minimum of 400 square feet of floor area shall be required; and

   H. At least three Off-Street Parking spaces are available for use by the owner-occupant and tenant in accordance with Part **7** of this Chapter.

§ 27-504. Apartment, Conversion.

[Ord. 578, 3/9/2015]

1. Conversion Apartments are Permitted by Right (PR) in the Low Density Residential (R1) and Medium Density Residential (R2) zones. Any building existing at the effective date of the ordinance codified in this Chapter may be converted to a dwelling for not more than three families; provided, that:

   A. The proposed conversion shall conform to the regulations for the district in which it is located. In the case of Multi-Family Dwellings or Conversion Apartment, each unit must contain a minimum of 400 square feet of habitable space, except for efficiency apartments, where 250 square feet of habitable space must be provided for each unit;

   B. There is no exterior evidence of change in the building except as required by the Pennsylvania Uniform Construction Code;

   C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street;

D. Off-Street Parking shall be provided in accordance with the provisions of Part **7** of this Chapter; and

E. The plans for the conversion of said building shall be submitted to the Canton Borough Zoning Officer for review and approval.

§ 27-505. Automatic/Manual Car Washes.

[Ord. 578, 3/9/2015]

1. Automatic/Manual Car Washes are Permitted by Right (PR) in the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. Gray water recycling is mandatory, either through an on-site system or through a municipal sewer/water source;

   C. For Automatic, Self-Service and Full Service car washes, each washing bay shall provide a minimum 100-foot long on-site stacking lane, which precedes the washing process area;

   D. For full-service car washes, a post-washing/drying area shall be provided for no less than two vehicles per washing lane;

   E. All structures housing washing equipment shall be set back 15 feet from any street right-of-way, 50 feet from any rear lot line, and 20 feet from any side lot line;

   F. Automatic and Manual Car Washes shall comply with § **27-602**, Buffer Yards and Screen Plantings, and § **27-605**, Fences and Walls, within this Chapter;

   G. Automatic Car Washes that include a Drying System Cycle shall automatically close service bay doors to muffle additional noise that exceeds ordinance limits;

   H. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the Applicant shall furnish and implement a working plan for the cleanup of litter and debris; and

   I. The Applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

§ 27-506. Automotive Body Shop/Maintenance/Repair Garage and Service Stations.

[Ord. 578, 3/9/2015]

1. Automotive Maintenance/Repair Garages are permitted as a Special Exception (SE) in the Central Business District (CB) and Commercial (C1) zones and Body Shops are permitted as a Special Exception (SE) in the Commercial (C1) zone and Automotive Service Stations are permitted as Special Exceptions (SE) in the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. All paintwork shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line;

   C. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots in accordance with § **27-600** of this Chapter;

   D. Overnight outdoor storage of "junk" other than "permitted junk vehicles" shall be prohibited within view of a public street or a dwelling;

   E. Any "junk vehicle" shall not be stored for more than 20 days. A maximum of four junk vehicles may be

parked on a lot outside of an enclosed building at any one time, except that additional numbers of vehicles may be parked outside overnight if they: (1) are screened from view from streets and other lots by landscaping or buildings in compliance with § **27-602** of this Chapter and (2) are actively undergoing repair;

F. All automotive parts, dismantled vehicles and similar articles shall be stored within an enclosed building;

G. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street); and

H. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

§ 27-507. Automobile Sales (Car, New and Used, Trailer and Coach).

[Ord. 578, 3/9/2015]

1. Automobile Sales (Car, New and Used) are Permitted by Right (PR) in the Central Business District (CB) and Commercial (C1) zones and Automobile Sales (Trailer and Coach) are Permitted by Right (PR) in the Commercial (C1) zone, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. General service, maintenance and repair facilities shall be permitted; provided, that they are conducted within an enclosed building and considered as accessory uses to the automobile sales establishment;

   C. All outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the Automobile Sales establishment shall be screened from adjacent properties. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies;

   D. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times; and

   E. All outdoor display areas adjacent to a residence shall have exterior lighting reduced to 50% luminosity after 11:00 p.m.

§ 27-508. Bars/Taverns.

[Ord. 578, 3/9/2015]

1. Bars/Taverns are Permitted by Right (PR) within the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. A Bar/Tavern shall be located in accordance with the provisions and licensing of the Pennsylvania Liquor Control Board;

   C. Bar/Taverns shall not be located within 500 feet of a church, school, park, or playground;

   D. A Bar/Tavern hours of operation and activities must be appropriately scheduled to protect the adjacent neighborhood from detrimental noise, disturbance or interruption;

   E. The owner(s) and operator(s) of a Bar/Tavern shall be responsible for the conduct and safety of the patrons; and

   F. All activities associated with the use, including the consumption of alcoholic beverages, shall be performed within an enclosed structure. Any use that proposes seating and/or serving of alcoholic beverage on a patio, deck or other outdoor structure, shall be considered a Special Exception (SE) and require approval by the Zoning Hearing Board, in accordance with Special Exception (SE) procedure as set forth in § **27-1016**, Subsection **5C**,of this Chapter.

§ 27-509. Bed and Breakfast Homes and Inns.

[Ord. 578, 3/9/2015]

1. Bed and Breakfast Homes and Inns shall be Permitted by Right (PR) in the Low Density Residential (R1), Medium Density Residential (R2) and Central Business District (CB) zones, subject to the following specific criteria:

   A. A Bed and Breakfast Home shall be allowed only in an owner-occupied, single-family, detached residential dwelling or buildings accessory thereto. No modification to the external appearances of the building (except fire and safety requirements), which would alter its residential character, shall be permitted;

   B. The owners of a Bed and Breakfast Home or Bed and Breakfast Inn must be in the residence when guests are present;

   C. Accommodations for overnight lodging at a Bed and Breakfast Home shall be limited to no more than five guest rooms and to no more than 10 guests at a given time. The guest rooms for both Bed and Breakfast Homes and Inns shall be rented to overnight guests on a daily basis for periods not exceeding one week;

   D. Meals shall be offered only to registered overnight guests;

   E. No cooking facilities shall be provided or permitted in individual guest rooms;

   F. Bed and Breakfast Homes and Inns must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under this Chapter;

   G. Lighting shall not be shed on adjoining properties;

   H. The use of a residential dwelling for a Bed and Breakfast Home and Inn must be approved, where a municipal sewer connection is available, by the Canton Municipal Authority; and

   I. All Bed and Breakfast Homes and Inns shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, PA Uniform Construction Code and all other applicable building, safety, and fire codes of the Federal, State, or local government.

§ 27-510. Boarding Homes (Includes Rooming and Lodging Houses).

[Ord. 578, 3/9/2015]

1. Boarding Homes are Permitted by Right (PR) in the Low Density Residential (R1), Medium Density Residential (R2) and Central Business District (CB) zones, subject to the following specific criteria:

   A. The use of a residential dwelling for a Boarding Home must be approved, where a municipal sewer connection is available, by the Canton Municipal Authority;

   B. Accommodations shall be limited to no more than five guest rooms for rent;

   C. Not more than 10 guests may be accommodated at any one time;

   D. Meals for compensation shall be provided only to Boarding Home guests. No cooking facilities shall be provided or permitted in the individual guest rooms;

   E. Guest rooms shall contain a minimum of 250 square feet of habitable floor area per person;

   F. All floors above grade shall have direct means of escape to ground level;

   G. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter; and

   H. All Boarding Homes shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry, PA Uniform Construction Code and all other applicable building, safety, and fire codes of the Federal, State, or local government.

§ 27-511. Child Day Care.

[Ord. 578, 3/9/2015]

1. Child Day Care shall be Permitted by Special Exception (SE) in the Low Density Residential (R1), Medium Density Residential (R2) and Central Business District (CB) zones, subject to the following criteria:

   A. The Child Day Care facility shall meet all State and Federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers;

   B. The Child Day Care Facility shall be capable of providing supplemental parental care and supervision and/or instruction to seven or more children simultaneously, who are not related to the caregiver or operator on a daily basis;

   C. Child Day Care Facilities enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;

   D. If the Child Day Care Center is located at and is accessory to a legally established house of worship, a public or nonpublic school, or a place of employment, such buildings shall obtain a Pennsylvania Uniform Construction Code Occupancy Permit;

   E. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter;

   F. The Child Day Care provides safe off-street pickup and drop-off points in order to minimize traffic congestion. Vehicles shall enter and exit from the pickup and drop-off points at least 60 feet from any intersection. The passenger "pickup" and "drop-off" points shall be arranged so that the passengers do not have to cross traffic. Off-Street Parking compounds shall not be used as outdoor play areas;

   G. The minimum area of said play area shall be 300 square feet or 10 square feet per child, whichever is greater, unless superseded by regulations of any designated State agency of the Commonwealth having jurisdiction over said use by virtue of licensing. Outdoor play areas shall not be located within the front yard and must be set back 25 feet from all lot lines. Outdoor play areas shall be completely enclosed by a four-foot high fence that shall screen the area from adjoining residential zones or use properties. All outdoor play areas must provide a means of shade such as shade tree(s) or pavilion(s); and

   H. Outdoor play area requirements may be waived, where the Applicant provides information that demonstrates that a public playground facility is within 250 feet of the Child Day Care Facility.

§ 27-512. Churches, Places of Worship and Church-Related Educational and Child Day Care Facilities.

[Ord. 578, 3/9/2015]

1. Churches and Places of Worship and Church-Related Educational and Accessory Child Day Care Facilities are Permitted by Right (PR) in the Low Density Residential (R1) and Medium Density Residential (R2) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. The Child Day Care Facility shall meet all State and Federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers;

   C. The Child Day Care Center or Facility is located at and is accessory to a legally established House of Worship, a public or nonpublic school, or a place of employment. Such buildings shall obtain a Pennsylvania Department of Labor and Industry Occupancy Permit;

   D. All residential, educational and day care uses shall be accessory, and located upon the same lot or directly adjacent to a lot containing a House of Worship;

   E. Church-Related Educational and Accessory Child Day Care Facilities enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;

F. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;

G. The minimum area of said play area shall be 300 square feet or 10 square feet per child, whichever is greater, unless superseded by regulations of any designated State agency of the Commonwealth having jurisdiction over said use by virtue of licensing. Outdoor play areas shall not be located within the front yard and must be set back 25 feet from all lot lines. Outdoor play areas shall be completely enclosed by a four-foot high fence that shall screen the area from adjoining residential zones or use properties. All outdoor play areas must provide a means of shade such as shade tree(s) or pavilion(s);

H. Outdoor play area requirements may be waived, where the Applicant provides information that demonstrates that a public playground facility is within 250 feet of the Child Day Care Facility; and

I. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter.

§ 27-513. Clubs, Lodges, and Fraternal Organizations.

[Ord. 578, 3/9/2015]

1. Clubs, Lodges, and Fraternal Organizations are Permitted by Right (PR) in the Central Business District (CB) zone. These and similar uses are restricted to those not conducted primarily for financial gain, although a dining room may be operated for the benefit of club members; provided, that no permanent sign advertising the sale of food or beverages will be permitted.

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. A Buffer Yard/Screen Planting of no less than 15 feet in depth shall be maintained along all lot lines abutting a residential use in accordance with § **27-602** of this Chapter;

   C. All outdoor recreation/activity areas shall be set back at least 25 feet from any lot line;

   D. All clubhouses and related facilities (e.g., pavilions, parking lots, etc.) shall meet the minimum building setback requirements for the Central Business District (CB);

   E. A Club, Lodge or Fraternal Organization hours of operation and activities must be appropriately scheduled to protect the adjacent neighborhood from detrimental noise, disturbance or interruption; and

   F. A Club, Lodge or Fraternal Organization serving alcohol may only be established or operated in accordance with the regulation of the Pennsylvania Liquor Control Board or other equivalent assigned agency.

§ 27-514. Commercial Communication Antennas, Towers and/or Equipment.

[Ord. 578, 3/9/2015]

1. Communication Antennas (Commercial), Towers and/or Equipment are Permitted by Right (PR) in the Central Business District (CB), Commercial (C1), Industrial (I) and Open Space (OS) zones, and shall meet the following requirements:

   A. The Applicant must demonstrate that the proposed location is necessary for the efficient operation of the system;

   B. The Applicant shall demonstrate that the Communication Tower and all Communication Antennas to be installed on the Communication Tower are the minimum height required to function satisfactorily. In no event shall the height of the Communication Tower and or Antenna exceed the maximum permitted height of the applicable zone by more than 40 feet;

   C. Any Communication Tower shall be set back from each lot line a distance equal to its height, but in no circumstances less than 50 feet from any lot line. This setback shall also be applicable to guide wire anchors for the Communication Tower;

D. All towers shall be completely enclosed by an eight-foot high fence and self-locking gate;

E. The Applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent the toppling of any Communication Tower on to adjoining properties or lots and/or roads and the wind borne scattering of ice onto adjoining properties or lots and/or roads. The Applicant shall be required to implement construction methods or standards to prevent such occurrences;

F. Communication Towers shall be sited so as to separate them from adjacent activities and structures located on adjoining lots;

G. The Applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration/PA Bureau of Aviation and the Federal Communications Commission;

H. Communication Towers which contain Communication Antennas which are capable of transmitting signals shall not create electrical, electromagnetic, microwave or other interference off site;

I. The Applicant shall submit a plan for the removal of the Communication Tower and all Communications Antennas on such Communication Tower and all related equipment and facilities when they become functionally obsolete or are no longer in use. The Applicant shall furnish a bond or other guarantee acceptable to the Borough Solicitor guaranteeing the removal of the facility within three months from the date the Applicant ceases use of the facility or the facility becomes obsolete;

J. The Borough may require the Applicant to post a maintenance or performance bond in an amount sufficient to secure the installation and maintenance of the Communication Tower, Communications Antenna and related equipment and facilities during their lifetime;

K. A communications equipment cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height;

L. Towers shall either maintain a galvanized steel finish, or subject to any applicable standards of the Federal Aviation Administration and painted a neutral color so as to reduce visual obtrusiveness. Communication Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must comply with § **27-600**, Subsection 4, Lighting and Glare, of this Chapter;

M. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings; and

N. The following landscaping shall be required to screen as much of the Communications Tower as possible, the fence surrounding the Communications Tower, and any other ground level features (such as equipment cabinets or a building):

(1) A landscaping screen with a minimum width of 25 feet shall be required to surround the site. The screen shall consist of a variety of low level shrubs and ground covers chosen to blend in to the natural setting; and

(2) Existing vegetation on and around the site shall be preserved to the greatest extent possible.

§ 27-515. Compressed Natural Gas (CNG) Dispensing Station.

[Ord. 578, 3/9/2015]

1. Compressed Natural Gas (CNG) Dispensing Stations are permitted as a Special Exception (SE) in the Commercial (C1) and Industrial (I) zones, subject to the following criteria:

A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

B. The CNG Filling Station dispenser island shall be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing Off-Street Parking;

C. Fueling operations at the point of transfer (where the fueling connection is made) shall be at least 20 feet from any building, building opening, public street or sidewalk and at least 10 feet from storage tanks and

cylinders;

D. Concrete or steel bollards at a minimum height of 48 inches shall be placed on the fuel island adjacent to fuel dispensers. At the Borough Zoning Hearing Board discretion, concrete or steel bollards may also be placed around the perimeter of the Equipment Pad;

E. Outdoor lighting shall be in accordance with § **27-600**, Subsection 4,of this Chapter;

F. The Equipment Pad associated with the Compressed Natural Gas (CNG) Filling Station shall be enclosed by a soundproof building in order to comply with standards set forth under § **27-600**, Subsection 7, of this Chapter;

G. Compressor and Cylinder tanks within the Equipment Pad shall be screened from adjacent streets and Residential uses in accordance with § **27-602** of this Chapter; and

H. The Equipment Pad associated with the Compressed Natural Gas (CNG) Filling Station perimeter shall be enclosed by a six-foot high security fence with gate in compliance with § **27-605** of this Chapter.

§ 27-516. Compressor and Metering Stations.

[Ord. 578, 3/9/2015]

1. Compressor Stations and Metering Stations are permitted as a Conditional Use (CD) in the Commercial (C1) zones and Permitted by Right (PR) in the Industrial (I) zone, intended for the reasonable development of oil and gas resources in Canton Borough, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. Building and Noise Control.

      (1) Acoustically Designed Building. All Compressors and associated mechanical equipment shall be located within a fully enclosed, acoustically designed building; and

      (2) Noise Control. The Noise Level does not exceed a noise standard of 60 dbA at the nearest lot line or the applicable standard imposed by Federal law, whichever is less.

   C. The following setback shall be maintained for a Compressor Station Building:

      (1) Shall be located 750 feet from the nearest existing building or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the adjoining building or adjoining lot.

   D. A Buffer of undisturbed area of not less than 50 feet in width shall be maintained along all lot lines and road rights-of-way to provide a Buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the Buffer required, the Borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas;

   E. Any required landscaped Buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide;

   F. Design details of Buffers shall be included on the Site Plan, and Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Land Developments in the Bradford County Subdivision and Land Development Ordinance;

   G. It shall be the responsibility of the property or lot owner to maintain all Buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material;

   H. The Compressor Station Building perimeter shall be enclosed by a six-foot high security fence in compliance with § **27-605** of this Chapter;

   I. All operations shall comply with all applicable local, State and Federal laws and rules and regulations. No Zoning Permit shall be issued until such time as the Applicant provides evidence of compliance with State and Federal regulations; and

J. For any facility approved by the Borough, the operator shall submit to the Borough Zoning Officer copies of all Department of Environmental Protection required or Department of Environmental Protection issued permits, documents and reports associated with the operation.

§ 27-517. Convenience Store with Gas Dispensing.

[Ord. 578, 3/9/2015]

1. Convenience Stores with Gas Dispensing are Permitted by Right (PR) in the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. A Site Circulation Plan shall be provided that depicts the separation of fueling service areas and Convenience Store areas. The plan shall show the location and dimensions of all structures, fuel pumps and location of the tank field; the location and dimensions of parking, landscaping areas and signage; and the description of internal circulation and access, in accordance with the standards herein;

   C. Minimum setback for access drives shall meet the following standards:

      (1) From the intersection of street right-of-way lines: 40 feet;

      (2) From the side lot line: 10 feet;

      (3) Minimum width of access drive: 12 feet;

      (4) Maximum width of access drive: 35 feet; and

      (5) Minimum separation of drives on same lot: 25 feet;

   D. Minimum setbacks from street right-of-way lines for structures and/or buildings shall be in accordance with the following underlying Zoning District or as listed below, whichever is most restrictive:

      (1) Pumps: 40 feet;

      (2) Building: 50 feet;

      (3) Canopies: 35 feet; and

      (4) Motor vehicles shall not be permitted to be parked on sidewalk areas.

   E. Minimum setback of fuel pumps from parking areas shall be 20 feet;

   F. Outdoor Display. All merchandise, except oil racks, shall be displayed within a building. Vending machines shall be maintained in a semi-enclosed structure or within the building;

   G. Outdoor lighting shall be in accordance with § **27-600**, Subsection 4, of this Chapter;

   H. Fuel delivery shall not impede traffic-flow patterns; and

   I. Compressed Natural Gas (CNG) Dispensing may be added to this use and must follow the criteria set forth under § **27-515** of this Chapter.

§ 27-518. Crematorium.

[Ord. 578, 3/9/2015]

1. Crematoriums are permitted as a Special Exception (SE) in the Low Density Residential (R1), Medium Density Residential (R2), Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

B. All vehicle parking shall be contained on the facility property or lot and comply with Part **7**, Off-Street Parking and Loading, of this chapter. Loading Areas/Docks shall provide Buffer Yard/Screen Planting of no less than 15 feet in depth with either landscaping or fencing from neighborhood uses;

C. The Crematorium must be approved, where a municipal sewer connection is available, by the Canton Municipal Authority;

D. Any building used as a Crematorium shall provide auxiliary means of electric service in the event of a power failure;

E. Crematoriums containing emission stacks shall be covered or shrouded with material safe for such use compatible with the existing facility/neighborhood;

F. The owner shall conduct an evaluation of the design of the proposed crematory exhaust stack location and stack height in relation to nearby structures including, at a minimum, all structures on the owner's property and all structures on neighboring properties within 300 feet of the proposed stack location. At a minimum, the stack height shall be at least 1.5 times the height of nearby structures;

G. Operating hours shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday;

H. The cremation unit shall be totally enclosed within a building;

I. The crematory operator/owner shall provide the Borough Zoning Officer with the necessary certifications to operate the crematory;

J. A crematory may provide a room(s) for the private viewing of the cremation by members of the deceased family but may not be used to conduct public or private funeral home services;

K. Any and all odors and smoke generated as part of a Crematorium operation shall be in conformance with the regulations set forth in Part **6**, Performance Standards, of this Chapter and in compliance with PA Department of Environmental Protection Air Emission Standards and Permitting; and

L. No outdoor storage shall be permitted on a lot associated with a Crematorium.

§ 27-519. Dormitory Style Housing Facility (Minor and Major).

[Ord. 578, 3/9/2015]

1. Dormitory Style Housing Facilities (Minor and Major) are permitted as a Special Exception (SE) in the Central Business District (CB), Commercial (C1) and the Industrial (I) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. All vehicle parking shall be contained on the Facility property or lot and comply with Part **7**, Off-Street Parking and Loading, of this Chapter;

   C. Sewage and water facilities shall be sufficient to handle the anticipated load created by the proposed Housing Facility and shall meet all requirements of the PA Department of Environmental Protection and the Canton Municipal Authority;

   D. Dormitory Style Housing Facilities shall be designed and constructed to meet all applicable PA Uniform Construction Code requirements and shall be inspected and approved by the Canton Borough Fire Department Chief prior to being occupied. The Applicant shall provide satisfactory evidence to the Borough indicating that these requirements have been met;

   E. Residents of Dormitory Style Housing Facilities shall be provided with meals, sleeping accommodations, bathroom facilities and recreational opportunities, and may also be provided with housekeeping services or laundry facilities. There shall be no more than two persons per bedroom;

   F. Arrangements for collection, storage and disposal of solid wastes generated by the facility shall be made by the Applicant and submitted to the Borough Zoning Officer with the application for Special Exception (SE);

   G. Where applicable, ingress, egress and regress off of State Highways shall comply with all applicable

PENNDOT, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads. No Zoning Permit shall be issued until such time as the Applicant provides evidence of compliance with a PENNDOT Highway Occupancy Permit; and

H. All other applicable requirements of this Chapter, including the Sign standards set forth under Part **8** of this Chapter.

§ 27-520. Drive-Thru Facilities for Permitted Commercial Uses.

[Ord. 578, 3/9/2015]

1. Drive-Thru Facilities For Permitted Commercial Uses shall be Permitted by Right (PR) within the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. The minimum distance of any driveway to lot line shall be 10 feet;

   B. The minimum distance between driveways on the site shall be 65 feet, measured from the two closest driveway curbs;

   C. The minimum distance of a driveway into the site from a street intersection shall be 60 feet, measured from the intersection of the street right-of-way to the nearest end of the curb radius;

   D. The angle of the driveway intersection with the street shall be based upon safe traffic movements;

   E. Drive-Thru Facilities for Permitted Commercial Uses shall be limited to: restaurants, banks or financial institutions, car washes, retail uses, and other uses that are typically associated as having drive-thru facilities, as determined by the Borough Zoning Officer;

   F. Drive-Thru Facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center;

   G. Outdoor lighting shall be contained on site in accordance with § **27-600**, Subsection 4, of this Chapter;

   H. All Drive-Thru Facilities for Permitted Commercial Uses Drive-In shall be designed and planned to take advantage of and be compatible with natural features of the site and area. Additionally, the side and rear lot lines of the drive-thru facilities shall be adequately screened with a fifteen-foot wide landscaped buffer yard in accordance with § **27-602** of this Chapter;

   I. All Drive-Thru windows shall be separated from the parking lot's interior driveways and have stacking lanes of at least 100 feet in length for pharmacies and financial institutions and 160 feet for fast-food businesses;

   J. Outside speakers shall not be audible from any residential area; and

   K. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

§ 27-521. Farm/Roadside Stand.

[Ord. 578, 3/9/2015]

1. Farm/Roadside Stands shall be Permitted by Right within the Low Density Residential (R1), Medium Density Residential (R2) and Mobile Home Park (MHP) zones, subject to the following criteria:

   A. The area where the products are displayed or sold shall not exceed 800 square feet;

   B. The stand shall be at least 50 feet from an intersection and shall be at least 25 feet from the edge of the legal right-of-way line of any adjoining street;

   C. The stand shall be portable, shall be maintained in good condition, and shall be removed during seasons when products are not being offered for sale; except that a stand may remain in place throughout the year if it would be located a minimum of 100 feet from the existing street right-of-way line; and

   D. Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of Part **7** of this Chapter. Parking shall be provided for a minimum of five vehicles.

§ 27-522. Farmers and/or Flea Market.

[Ord. 578, 3/9/2015]

1. Farmers and/or Flea Markets shall be Permitted by Right (PR) within the Central Business District (CB) zone, subject to the following criteria:

   A. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape, which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above;

   B. The retail sales area shall be set back at least 25 feet from all property or lot lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;

   C. Off-Street Parking and Loading shall be designed and used in accordance with Part **7**, Off-Street Parking and Loading, of this Chapter;

   D. All outdoor display and sales of merchandise shall not begin prior to one hour before the official sunrise and shall cease no less than one hour prior to dusk;

   E. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and

   F. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All Applicants shall include a description of a working plan for the clean-up of litter.

§ 27-523. Firearm Repair and Sales.

[Ord. 578, 3/9/2015]

1. Firearm Repair and Sales shall be Permitted by Right (PR) within the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. The Applicant shall provide a Federal Firearms License (FFL) from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and demonstrate compliance with Pennsylvania laws related to Firearm Repair and Sales.

§ 27-524. Fuel Storage/Distribution Center.

[Ord. 578, 3/9/2015]

1. Fuel Storage/Distribution Center is permitted by Special Exception (SE) in the Industrial (I) zone, subject to the following criteria:

   A. Minimum lot area shall be one acre;

   B. All Fuel Storage facilities, including tank trucks, must be secured with appropriate fencing at least eight feet in height;

   C. All State and Federal regulations concerning storage safety must be met and copies of all licenses and certificates required for storage of these materials must be provided to the Borough Zoning Officer prior to issuance of a Certificate of Occupancy;

   D. All Fuel Storage facilities, including tank trucks and their containment areas, shall be set back a minimum of 50 feet from any Wetland, Water course or 100-year Floodplain;

   E. Outdoor Lighting shall be in accordance with § **27-600**, Subsection 4, of this Chapter;

   F. A Buffer Yard/Screen Planting of no less than 15 feet in depth shall be maintained along rear and side lot lines abutting a Residential Use;

G. Physical Barriers. Physical barriers with a minimum height of 48 inches and capable of resisting a horizontal force of 12,000 pounds anywhere on its surface and in any direction. The physical barrier shall be placed around each outdoor above-ground storage tank and the portions of underground storage tanks which extend above the ground;

H. Dispensing Areas. All dispensing areas for the dispensing of regulated substances shall have the following requirements:

(1) Perimeter drains or other types of stormwater inlets and collection systems shall be required which will convey the runoff from the entire fuel dispensing area to a collection area where the runoff can be treated through the use of an oil-water separator prior to discharge to the environment. All oil-water separators shall be regularly maintained, including, but not limited to, emptying, removing sediment and refilled with water to ensure they are not full of oil and can work properly;

(2) The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus one foot, whichever is greater. The paving around the fuel dispensing area may exceed the minimum dimensions of the "Fuel Dispensing Area" stated above;

(3) The fuel dispensing area must be covered, and the cover's minimum dimensions must be equal to or greater than the area of the fuel dispensing area, as defined above. The cover must not drain onto the fuel dispensing area; and

(4) In addition to these regulations, the fuel dispensing area including sumps and collection systems shall be designed and installed in accordance with the PA Uniform Construction Code.

I. Spill Kits. Storage tank systems, which dispense the substance stored in it in dispensing areas, as defined above, shall have spill kits with the following minimum requirements:

(1) Spill kits shall include, but are not limited to, an absorbent product capable of neutralizing and absorbing the regulated substance stored within the storage tanks;

(2) Spill kits shall also include a method of disposal of the spilled substance; and

(3) Spill kits shall be placed in conspicuous location. In instances where there is more than one dispenser in the dispensing area, there shall be one spill kit for every six dispensers.

§ 27-525. Funeral Homes/Mortuary.

[Ord. 578, 3/9/2015]

1. Funeral Homes and Mortuaries shall be Permitted by Right (PR) within the Medium Density Residential (R2) and Commercial (C1) zones, subject to the following criteria:

A. The Applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations;

B. Sewage and water facilities shall be sufficient to handle the anticipated load created by a Funeral Home/ Mortuary and shall meet all requirements of the PA Department of Environmental Protection and the Canton Municipal Authority;

C. All rooms available for funerals and viewing shall be located within the lot's principal building;

D. A Buffer Yard/Screen Planting of no less than 15 feet in depth shall be maintained along rear and side lot lines abutting a Residential use; and

E. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter. Sufficient Off-Street Parking shall be provided to prevent back-ups onto adjoining roads; the Applicant shall describe what measures will be used to prevent back-ups (e.g., overflow parking, parking attendants, etc.) to prevent such back-ups.

§ 27-526. Government or Public Service Building.

[Ord. 578, 3/9/2015]

In any District, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for Government, Municipal or Public Uses, including municipal recreation uses, in accordance with applicable District provisions.

§ 27-527. Group Homes.

[Ord. 578, 3/9/2015]

1. Group Homes shall be permitted as a Conditional Use (CD) in the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. A Group Home must be licensed where required by an appropriate State or Federal agency(ies) and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the Canton Borough Zoning Officer prior to beginning the use;

   C. Group Homes may be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house;

   D. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites;

   E. The residents of Group Homes shall reside on the premises to benefit from the services provided;

   F. Group Homes shall not be located within 500 feet of any public recreation facility, school facility, day care center or public library;

   G. Group Homes shall not be located within 500 feet of another Group Home;

   H. Within the districts that Group Homes are permitted as a Conditional Use (CD), the application shall be accompanied by a statement describing the following:

      (1) The composition of the Group Home;

      (2) The policies and goals of the Group Home and the means proposed to accomplish those goals;

      (3) The characteristics of the residents and number of clients/residents to be served;

      (4) The operating methods and procedures to be used; and

      (5) Any other facts relevant to the proposed operation of the Group Home.

   I. Any use permit granted for the Group Home shall be bound to the type and number of clients or residents listed on the application. Any change in the type or number of clients or residents being housed shall require a new hearing before the Canton Borough Council.

§ 27-528. Group Quarters.

[Ord. 578, 3/9/2015]

1. Group Quarters shall be permitted as a Special Exception (SE) in the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. A minimum of 250 square feet of habitable space shall be provided for each occupant;

   B. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere;

   C. Each Group Quarters shall provide one Off-Street Parking space for each occupant;

   D. All Group Quarters shall comply with all applicable building, health, and fire codes;

E. The use of a Group Quarters must be approved, where a municipal sewer connection is available, by the Canton Municipal Authority; and

F. Group Quarters may be an Accessory or Principal Use, but must be directly affiliated with a parent religious, educational, charitable, or philanthropic institution.

§ 27-529. Home Occupation.

[Ord. 578, 3/9/2015]

1. Home Occupations shall be permitted as an Accessory Use (AC) in the Low Density Residential (R1), Medium Density Residential (R2) and Mobile Home Park (MHP) zones, subject to the following criteria:

2. It is the intent of this Section to regulate the operation of Home Occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the Home Occupation. The burden of proof shall be on the Applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed Home Occupation not specifically permitted by this Section, the Borough Zoning Officer may determine that a particular type or intensity of use is unsuitable to be a Home Occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

   A. The Home Occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence;

   B. The total area used by all Home Occupations on the premises does not exceed 35% of the Gross Floor Area of the dwelling unit, including basement, and 600 square feet of an accessory structure;

   C. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the Home Occupation(s) shall be permitted;

   D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a Home Occupation except for the required parking area and permitted sign;

   E. No external structural alterations, which are not customary to a residential building, shall be allowed;

   F. Only members of the family residing in the dwelling shall conduct the Home Occupation and not more than two persons other than residents of the dwelling shall be employed on the premises;

   G. Off-Street Parking shall be provided on the premises as required by this Chapter to prevent parking on any public or private street right-of-way under Part **7** of this Chapter;

   H. No Home Occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood;

   I. No goods or items for retail or wholesale sale shall be permitted except for items hand-crafted on the premises or goods and items incidental to the operation of an approved Home Occupation with the total display and/or storage area limited to 200 square feet;

   J. The use shall not involve the parking of more than one truck of any type on the lot or on adjacent streets at any period of time. The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries and/or pick-ups of a maximum of two times per day;

   K. For Home Occupation Signage, see Part **8**, § **27-805**, Subsection **6**;

   L. § **27-600**, Performance Standards, shall also apply to Home Occupations;

   M. The following uses shall not be permitted as Home Occupations:

      (1) Adult Related Uses;

      (2) Veterinarians;

      (3) Commercial Kennels;

(4) Motor Vehicle or Small Engine Repair Shops;

(5) Retail or Wholesale Sales;

(6) Restaurant; and

(7) Funeral Homes.

N. The following types of uses shall be permitted as Accessory Uses (AC) in all Districts. All other applications for Home Occupations not specifically enumerated as permitted shall be considered Conditional Uses (CD), except that the uses enumerated in Subsection **2M** of this Section shall be prohibited:

(1) Professional Offices for individual practitioners;

(2) Rooming and/or housing of not more than two persons;

(3) Custom dressmaking or tailoring;

(4) Foster family care for not more than four children simultaneously;

(5) Day Care that provides care for six or fewer children at any one time who are not relatives of the caregiver;

(6) Tutoring for not more than four children simultaneously;

(7) Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises;

(8) Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises; and

(9) Single chair beauty shops and barbershops.

§ 27-530. Kennels (Commercial).

[Ord. 578, 3/9/2015]

1. Kennels shall be Permitted by Right (PR) in the Industrial (I) zone, subject to the following criteria:

A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

B. All Kennels shall comply with all applicable State Codes and Regulations;

C. All buildings in which animals are housed and all runs shall be located at least 100 feet from all lot lines. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot line;

D. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter;

E. Outdoor runs may be provided if screening is provided in accordance with § **27-602** of this Chapter;

F. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.; and

G. Private Kennels, as defined in Part **2** of this Chapter, shall be exempt from the above standards; provided, that the property owner provides a written statement to the Canton Borough Zoning Officer that the dogs contained within the Private Kennel will be owned and maintained for hunting purposes.

§ 27-531. Massage Therapy Establishment.

[Ord. 578, 3/9/2015]

1. Massage Therapy Establishments shall be Permitted by Right (PR) in the Central Business District (CB) zone, subject to the following criteria:

A. State and/or National Certification or approved equivalent shall be required for all employees, excluding administrative staff. All State and/or National Certification or approved equivalent shall be submitted to the Borough Zoning Officer prior to issuance of a Zoning Permit;

B. Hours of operation shall be from 8:00 a.m. up to 8:00 p.m.; and

C. A Massage Therapy Establishment shall operate in compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania.

§ 27-532. Medical/Dental Office Buildings and Testing Laboratories (Including Mobile Units).

[Ord. 578, 3/9/2015]

1. Medical/Dental Office Buildings and Testing Laboratories (Including Mobile Units) shall be Permitted by Right (PR) in the Commercial (C1) zone, subject to the following criteria:

   A. The building shall be occupied and used only by persons licensed to practice the healing arts in the Commonwealth of Pennsylvania, and their staffs;

   B. A Buffer Yard/Screen Planting shall be provided in accordance with § **27-602** of this Chapter;

   C. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter; and

   D. Any accessory services including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic may be permitted as part of the clinic facility subject to the following specific conditions:

      (1) All entrances to parts of the building in which these accessory services are provided shall be from within the building and shall not be directly accessible without passing through the building; and

      (2) The hours during which these services are provided shall be the same as those during the regular operation hours of the principal clinic.

§ 27-533. Mini Self-Storage Units.

[Ord. 578, 3/9/2015]

1. Mini Self-Storage Units shall be Permitted by Right (PR) in the Commercial (C1) and Industrial (I) zones, subject to the following provisions:

   A. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only, and at least 30 feet wide when cubicles open onto both sides of the lane;

   C. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land, residential uses and adjoining roads and is located behind building walls closest to street right-of-way. This Provision shall not be interpreted to permit the storage of partially dismantled, wrecked or inoperative vehicles;

   D. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall be stored only in external storage areas as described above;

   E. An on-site manager shall not be required, but recommended, to be on the site on a full-time basis and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. In addition, full-time surveillance consisting of either security cameras or on-site residence shall be provided. Any dwelling for a resident manager shall comply with all requirements of

the underlying zoning district and shall be entitled to all residential accessory uses provided in this Chapter;

F. A Buffer Yard/Screen Planting shall be provided along abutting residentially zoned property(ies) in accordance with § **27-602** of this Chapter; and

G. Mini Self-Storage Units shall be used solely for the storage of property. The following examples are uses expressly prohibited upon the site:

(1) Auctions (except those as a result of default by renters), commercial wholesale or retail sales or garage sales;

(2) The servicing, repair or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances or other similar equipment;

(3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;

(4) The establishment of a transfer and storage business; and

(5) Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations. The Applicant shall adequately demonstrate that all Mini Self-Storage Units and/or use contracts shall specifically prohibit these uses.

§ 27-534. Mixed Uses.

[Ord. 578, 3/9/2015]

1. When two or more Principal Uses occupy the same lot, but not the same building, all parking, lot area, lot width, building setbacks, height, and building area requirements shall be provided so that the requirements pertaining to each use will be met in full; and

2. Where applicable, shared parking and shared access shall be encouraged with Mixed Use developments.

§ 27-535. Mobile Home Courts/Parks.

[Ord. 578, 3/9/2015]

1. Mobile Home Courts/Parks shall be Permitted by Right (PR) in the Mobile Home Park (MHP) zone, subject to the following criteria:

A. Mobile Home Courts/Parks shall be developed and approved in accordance with regulations set forth in the Bradford County Subdivision and Land Development Ordinance, Article VI, Sections 601 through 606;

B. Minimum lot area shall be not less than five acres;

C. Mobile Home Courts/Park lots shall be not less than 65 feet wide measured at the minimum required setback line nor less than 7,200 square feet in area, per manufactured/mobile home unit, exclusive of streets and other public areas;

D. Mobile Home Courts/Parks must be approved, where a municipal sewer and water connection is available, by the Canton Municipal Authority;

E. Minimum building setback line from the cartway line of a private street shall be 20 feet;

F. The minimum spacing between Manufactured/Mobile home units, including attached accessory structures, shall be no less than 20 feet. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required and shall be subject to all front yard requirements of this Chapter;

G. The minimum rear yard for each lot shall be 10 feet;

H. Detached accessory structures shall be located on the lot no closer than five feet from a Manufactured/ Mobile Home and shall comply with the required front, side, and rear setback lines;

I. Manufactured/Mobile Home units shall not be located closer than 25 feet from the Court/Park property or lot lines to the side and rear not adjacent to a street. Units adjacent to public streets shall not be located

closer than 35 feet to the right-of-way line and shall contain a Buffer Yard in accordance with § **27-602** of this Chapter;

J. Off-Street Parking and Loading spaces shall be provided in accordance with Part **7** of this Chapter;

K. Not less than 10% of the total land area shall be provided for usable Open Space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents; and

L. Such Open Space shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather.

§ 27-536. Motels, Hotels and Similar Lodging Facilities.

[Ord. 578, 3/9/2015]

1. Motels, Hotels and Similar Lodging Facilities shall be Permitted by Right (PR) in the Commercial (C1) zone, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. Off-Street Parking and Loading spaces shall be provided for the Motel, Hotel and Similar Lodging Facility, in addition to other accessory facilities developed as part of the Motel/Hotel premises, in accordance with Part **7** of this Chapter;

   C. Motels, Hotels and Similar Lodging Facilities must be approved, where a municipal sewer and water connection is available, by the Canton Municipal Authority;

   D. The following Accessory Uses (AC) may be approved as part of the application:

      (1) Auditorium;

      (2) Barber and Beauty Shops;

      (3) Gift Shop;

      (4) Meeting Facilities;

      (5) Recreational Uses and Swimming Pools;

      (6) Restaurants;

      (7) Sauna, Spa or Steam Room;

      (8) Solarium;

      (9) Valetshop; and

      (10) Other similar retail sales and personal services.

   E. The Accessory Uses (AC) listed in Subsection **1D** of this Section aside from outdoor recreational uses shall be physically attached to the main hotel building except that one freestanding Restaurant shall be permitted on the same lot as a Principal or Permitted Hotel subject to the following:

      (1) The proposed Restaurant shall offer the preparation and serving of food and drink to be consumed on the premises;

      (2) No drive-thru or take-out services shall be permitted;

      (3) No additional freestanding signs other than those permitted for the principal hotel use shall be permitted; and

      (4) Sufficient required Off-Street Parking spaces have been provided and located to conveniently serve the freestanding Restaurant without interfering with required Off-Street Parking associated with the Motel/Hotel use.

§ 27-537. Museums and Cultural Facilities.

[Ord. 578, 3/9/2015]

1. Museums and Cultural Facilities shall be permitted as Conditional Uses (CD) in the Low Density Residential (R1) and Medium Density Residential (R2) zones and Permitted by Right (PR) in the Central Business District (CB) zone, subject to the following criteria:

   A. Such Museums and Cultural Facilities shall focus primarily upon State or local history, events or artists; and

   B. Such Museums and Cultural Facilities shall be designed and constructed with an exterior appearance that is in harmony with the nature of the district.

§ 27-538. Natural Gas Processing Plants.

[Ord. 578, 3/9/2015]

1. Natural Gas Processing Plants are Permitted by Right (PR) in the Industrial (I) zone intended for the reasonable development of oil and gas resources in Canton Borough, subject to the following criteria:

   A. Minimum lot area shall be 10 acres;

   B. Building and Noise Control.

      (1) Acoustically Designed Building. All associated mechanical equipment shall be located within a fully enclosed, acoustically designed building; and

      (2) Noise Control. The Noise Level does not exceed a noise standard of 60 dbA at the nearest lot line or the applicable standard imposed by Federal law, whichever is less.

   C. The following setbacks shall be maintained for Natural Gas Processing Plant Buildings:

      (1) Shall be located 750 feet from the nearest existing building or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot.

   D. A Buffer of undisturbed area of not less than 50 feet in width shall be maintained along all lot lines and road rights-of-way to provide a Buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the Buffer required, the Borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas;

   E. Any required landscaped Buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide;

   F. Design details of Buffers shall be included on the Site Plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Land Developments in the Bradford County Subdivision and Land Development Ordinance;

   G. It shall be the responsibility of the property or lot owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material;

   H. The Natural Gas Processing Plant Building perimeter shall be enclosed by a six-foot high security fence in compliance with § **27-605** of this Chapter;

   I. All operations shall comply with all applicable local, State and Federal laws and rules and regulations. No Zoning Permit shall be issued until such time as the Applicant provides evidence of compliance with State and Federal regulations; and

   J. For any facility approved by the Borough, the operator shall submit to the Borough copies of all Department of Environmental Protection required or issued permits, documents and reports associated with the operation.

§ 27-539. No Impact Home-Based Business.

[Ord. 578, 3/9/2015]

1. No Impact Home-Based Businesses shall be Permitted by Right (PR) in the Low Density Residential (R1), Medium Density Residential (R2) and Mobile Home Park (MHP) zones, subject to the following criteria:

   A. The business activity shall be compatible with the residential use of the property or lot and surrounding residential uses;

   B. The business shall employ no employees other than family members residing in the dwelling;

   C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature;

   D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;

   E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;

   F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;

   G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area; and

   H. The business may not involve any illegal activity.

§ 27-540. Nonresidential Conversion.

[Ord. 578, 3/9/2015]

1. The conversion of a residential dwelling in any district into a permitted nonresidential use is permitted subject to the following regulations:

   A. The proposed use shall comply with the yard, area, off-street parking, and other requirements of the applicable district;

   B. No existing yards or required open space shall be reduced to less than the requirements of the applicable district governing a permitted use;

   C. No living accommodation or sleeping quarters shall be authorized except such as accessory use as is permitted in the applicable district;

   D. The Off-Street Parking and Sign regulations shall apply for the permitted nonresidential use under Parts of this Chapter; and

   E. All other supplemental regulations of this Chapter applicable to the proposed use shall apply.

§ 27-541. Nursery School.

[Ord. 578, 3/9/2015]

1. Nursery Schools shall be permitted as a Special Exception (SE) in the Low Density Residential (R1), Medium Density Residential (R2) and Central Business District (CB) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. Nursery Schools must be approved, where a municipal sewer and water connection is available, by the Canton Municipal Authority;

   C. The use shall comply with applicable State and Federal regulations, including having an appropriate Pennsylvania Department of Public Welfare registration certificate or license, if required;

   D. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do

not have to cross traffic lanes on or adjacent to the site;

E. Outside play areas in residential districts shall be limited to use between 8:00 a.m. and 8:00 p.m. No portion of an outside play area shall be less than 30 feet from an existing occupied dwelling without the owner's written consent; and

F. Within the Low Density Residential (R1) and Medium Density Residential (R2) zones, any permitted Nursery School shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.

§ 27-542. Nursing Homes (Senior/Disabled Housing).

[Ord. 578, 3/9/2015]

1. Nursing Homes shall be permitted as a Special Exception (SE) in the Low Density Residential (R1) and Medium Density Residential (R2) zones, subject to the following criteria:

   A. The facility shall be constructed and operated in accordance with all applicable licensing requirements set forth by the Commonwealth of Pennsylvania;

   B. Nursing Homes must be approved, where a municipal sewer and water connection is available, by the Canton Municipal Authority;

   C. The facility shall contain 30 or more dwelling units, attached side by side for use of common party walls for single-family dwelling units. Rooms or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities, and central recreational facilities shall be provided;

   D. All living facilities must be connected to the central facilities through internal passageways (i.e., common stairwells, hallways, corridors, elevators, etc.);

   E. Twenty-four-hour staff shall be required;

   F. At least 10% of required parking spaces shall be designed for handicapped persons; and

   G. Service areas and facilities shall not be located closer than 100 feet from a residential use.

§ 27-543. Oil and Gas (Unconventional) Well Pad Development.

[Ord. 578, 3/9/2015]

1. It is intended for the reasonable development of oil and gas resources in Canton Borough, as Oil and Gas (Unconventional) Well Pad Development shall be permitted as a Conditional Use (CD) in the Industrial (I) district. In addition, the following standards shall apply:

   A. Minimum lot area shall be five acres;

   B. The outer edge of the Oil and Gas (Unconventional) Well Pad must be at least 300 feet from any existing building;

   C. Oil and Gas (Unconventional) Well Pad Development, other than the placement, use and repair of oil and gas pipelines, water pipelines, access road and security facilities must be located at least 300 feet from any existing building; and

   D. No Oil and Gas (Unconventional) Well may be drilled within 1,000 feet of any existing water well, surface water intake, reservoir or other water supply extraction point in the Borough without written consent of the applicable water purveyor or unless a Variance is granted by the PA Department of Environmental Protection as part of the permit review process, nor shall any Oil and Gas (Unconventional) Well be drilled within 300 feet of any stream, spring, body of water or wetland greater than one acre in size.

§ 27-544. Outdoor Fuel Burning Appliances.

[Ord. 578, 3/9/2015]

Outdoor Fuel Burning Appliances shall be permitted as an Accessory Use (AC) in the Low Density Residential (R1), Medium Density Residential (R2), Commercial (C1) and Industrial (I) zones, subject to the criteria set forth in Canton Borough Ordinance, Part **4**, Outdoor Fuel Burning Appliances (10/9/2007) and any future amendments.

§ 27-545. Personal Care Homes.

[Ord. 578, 3/9/2015]

1. Personal Care Homes shall be permitted as a Special Exception (SE) in the Low Density Residential (R1) and Medium Density Residential (R2) zones, subject to the following criteria:

    A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

    B. Personal Care Homes must be approved, where a municipal sewer and water connection is available, by the Canton Municipal Authority;

    C. The facility shall be constructed and operated in accordance with all applicable licensing requirements set forth by the Commonwealth of Pennsylvania;

    D. No more than two persons at a time shall reside in any room designated for overnight visits;

    E. The minimum front and rear yard setbacks shall be not less than 20 feet;

    F. A Buffer Yard of no less than 15 feet in width shall be established along rear and side yards abutting residential uses; and

    G. Off-Street Parking shall be provided in accordance with Part **7** of this Chapter.

§ 27-546. Pipe Yard and Equipment Staging Areas.

[Ord. 578, 3/9/2015]

1. Pipe Yards and Equipment Staging Areas shall be Permitted by Right (PR) in the Commercial (C1) and Industrial (I) zones, subject to the following criteria:

    A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

    B. Unhoused equipment and piping material shall be enclosed within a chain link fence six feet in height;

    C. Repair and maintenance activity requiring use of equipment that will generate noise, odors or glare beyond the property or lot boundaries will be conducted within a building, or outdoors during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday;

    D. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks of fuel directly connected to energy or heating devices;

    E. No materials or wastes shall be deposited upon a property or lot in such form or manner that they may be transferred off the property or lot by any reasonably foreseeable natural causes or forces;

    F. Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way;

    G. The Pipe Yard and Equipment Staging Area shall not be situated any closer than 300 feet from any existing residential dwelling; and

    H. Any lighting of the Pipe Yard and Equipment Staging Area shall be pointed downward and inward to the property or lot center and shaded to prevent direct reflection on adjacent property(ies) or lot(s).

§ 27-547. Public/Semi-Public Swimming Pools.

[Ord. 578, 3/9/2015]

1. Public/Semi-Public Swimming Pool shall be Permitted by Right (PR) in the Open Space (OS) zone, subject to the following criteria:

   A. A Public/Semi-Public Swimming Pool's hours of operation and activities shall be appropriately scheduled to protect the existing and surrounding neighborhood from detrimental noise, disturbance or interruption;

   B. A registered lifeguard shall be on duty at all times when the swimming pool is being used; and

   C. A plan for ingress and egress shall be presented inclusive of anticipated peak hour rates and vehicular directional movements and provided to the Borough Zoning Officer.

§ 27-548. Public Utility Facilities.

[Ord. 578, 3/9/2015]

1. Public Utility Facilities shall be permitted in any District without regard to the use and area regulations with exception to building height; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

   A. Front yards shall be provided in accordance with the regulations of the District in which the Facility is located. Side and rear yards shall be a minimum of 10 feet;

   B. Height restrictions shall be required by the District regulations;

   C. Unhoused equipment shall be enclosed within a chain link fence six feet in height topped with barbed wire;

   D. When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the District in which the Facility is located; and

   E. The external design of the building shall be in conformity with the buildings in the District.

§ 27-549. Residential Treatment Facility.

[Ord. 578, 3/9/2015]

1. Residential Treatment Facilities shall be permitted as a Conditional Use (CD) in the Low Density Residential (R1) and Medium Density Residential (R2) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. Residential Treatment Facilities shall not exceed 15 residents;

   C. A Residential Treatment Facility shall not be located within 800 feet of an existing Residential Treatment Facility. The lot containing a Residential Treatment Facility shall be located a minimum of 500 feet from a lot line of a lot occupied by each of the following: a school, public park or playground and day care center;

   D. Residential Treatment Facilities shall meet the following requirements:

      (1) Proof of adequate supervision by people qualified by training and experience in the field for which the Facility is intended shall be provided;

      (2) The Facility must comply with the PA Uniform Construction Code with respect to emergency lighting, smoke detectors, exit lights, and other safety devices;

      (3) All services provided on site shall be contained within the structure and operated by a nonprofit, charitable, or for-profit organization;

      (4) The Applicant for these Facilities shall submit, with its Conditional Use (CD) application, a plan outlining in detail the management of the Facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations, and any other information pertinent to the operation of the Facility;

   E. The Applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional Conditional Use (CD)

approval;

F. The Applicant shall prove to the satisfaction of the Canton Borough Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards; and

G. The Canton Borough Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

§ 27-550. Restaurants.

[Ord. 578, 3/9/2015]

1. Restaurants shall be Permitted by Right (PR) in the Central Business District (CB) and Commercial (C1) zones, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. Restaurants must be approved, where a municipal sewer and water connection is available, by the Canton Municipal Authority;

   C. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the clean-up of litter;

   D. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties;

   E. All exterior seating play areas shall be completely enclosed by a minimum three-foot high fence and comply with § **27-605**; and

   F. A Buffer Yard of no less than 15 feet in width shall be established along rear and side yards abutting residential uses.

§ 27-551. Sawmill Operation.

[Ord. 578, 3/9/2015]

1. Sawmill Operations shall be Permitted by Right (PR) in the Industrial (I) zone, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. All cutting, sawing, grinding, or other processing shall be conducted within a completely enclosed building;

   C. Litter control shall be exercised to prevent the scattering of windborne debris and a working plan for the cleanup of litter shall be submitted to the Borough Zoning Officer;

   D. No materials shall be deposited or stored, and no building or structure shall be located, within 200 feet of any property line;

   E. Any external area used for the unloading/loading, transfer, storage or deposition of material must be provided with buffering, landscaping and screening in accordance with § **27-602** of this Chapter;

   F. All facilities shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting will not have to back upon onto public roads;

   G. All access drives serving the site shall have a paved minimum thirty-two-foot wide cartway for a distance of at least 200 feet from the intersecting street right-of-way line. In addition, a fifty-foot long gravel section of access drive should be placed just beyond the preceding 200-foot paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling from the site;

   H. In general, access drives shall intersect public streets at 90° as site conditions permit, however in no case

shall access drives intersect public streets at less than 70°. Said angle shall be measured from the center line of the street to the center line of the access drive; and

I. All features of the Sawmill operation shall comply with the standards set forth in Part **6**, Performance Standards, of this Chapter, § **27-600**, Subsections **1** through 10.

§ 27-552. Shooting and Archery Ranges - Indoor.

[Ord. 578, 3/9/2015]

1. Shooting and Archery Ranges - Indoor shall be Permitted by Right (PR) in the Commercial (C1) zone, subject to the following criteria:

   A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. A Development Plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design, effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan;

   C. The Applicant shall present expert testimony to establish that sufficient soundproofing shall be provided to render the sound of discharge of any Firearm inaudible when outside the building in which the Indoor Shooting Range is located; and

   D. All operations shall be conducted in accordance with "National Rifle Association Range Sourcebook" and operation plan provided to the Borough Zoning Officer.

§ 27-553. Solar Collectors and Arrays.

[Ord. 578, 3/9/2015]

1. Solar Collectors and Arrays shall be Permitted as an Accessory Use (AC) in all Zoning Districts within the Borough, subject to the following criteria:

   A. PA Uniform Construction Code building permits shall be required for installation of rooftop and building-mounted Solar Collectors;

   B. Ground-mounted and freestanding Solar Collectors and arrays are permitted subject to the following requirements:

      (1) The location of the Solar Collector or Array meets all applicable setback requirements of the District in which it is located;

      (2) The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt;

      (3) The total surface area of all ground-mounted and freestanding Solar Collectors and Arrays on the lot shall not exceed 1,000 square feet; and

      (4) A PA Uniform Construction Code building permit has been obtained for the Solar Collector.

   C. Where Site Plan approval is required for a development or activity, the Site Plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed Solar Collectors;

   D. All Solar Collector and Array installations must be performed by a qualified solar installer, and prior to operation, the electrical connections must be inspected by the designated Third Party Inspection Agency and by an appropriate electrical inspection person or agency, as determined by the Borough Zoning Officer. In addition, any connection to the public utility grid must be inspected by the appropriate public utility;

   E. When solar storage batteries are included as part of the Solar Collector system, they must be placed in a secure container or enclosure; and

F. If a Solar Collector or Array ceases to perform its originally intended function for more than 12 consecutive months, the property or lot owner shall remove the collector, mount battery container and associated equipment and facilities by no later than 90 days after the end of the twelve-month period.

§ 27-554. Swimming Pools (Private).

[Ord. 578, 3/9/2015]

1. Swimming Pools (Private) shall be Permitted as an Accessory Use (AC) in the Low Density Residential (R1) and Medium Density Residential (R2) zones, subject to the following criteria:

   A. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property or lot on which it is located, including guests;

   B. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than five feet to any lot line, nor shall it be nearer to any street line upon which the residence abuts than the existing setback line. In no case shall it be any closer than 20 feet from any street right-of-way;

   C. All permanent in-ground Swimming Pools (Private) now existing or hereafter constructed, installed, established or maintained, shall comply with the Canton Borough Swimming Pool Ordinance, Part **1**, Construction, Maintenance and Use of Private Swimming Pools and the PA Uniform Construction Code requirements for In-Ground Residential Swimming Pools and Above Ground and Storable Swimming Pool Pools, provided by the Canton Borough Zoning Officer;

   D. Water may not be discharged from a Swimming Pool unless discharged so as not to flow onto adjacent properties or lots or right-of-way. Any pool proposed to be drained shall contact the Canton Borough Zoning Officer for proper disposal;

   E. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures; and

   F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties or lots so that no beam of light, only diffused or reflected light, enters adjoining properties or lot.

§ 27-555. Tattoo/Body Piercing Parlors.

[Ord. 578, 3/9/2015]

1. Tattoo parlors shall be Permitted by Right (PR) in the Central Business District (CB) zone, subject to the following criteria:

   A. No person, organization, or corporation may operate a tattoo parlor unless it has obtained a Certificate of Registration from the Pennsylvania Department of Health. Such Certificate shall be obtained annually and shall not be transferable;

   B. The current Certificate shall be posted in a prominent and conspicuous area where patrons may readily see it;

   C. It shall be unlawful for any person to engage in the business of operating a Tattoo/ Body Piercing Parlor without first obtaining a permit to engage in such business in accordance with the provisions in this Part;

   D. The room in which tattoo procedures are conducted shall have an area of not less than 100 square feet;

   E. The Tattoo/Body Piercing Parlor shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment. Pest control records are to be available during normal business hours;

   F. The Tattoo/Body Piercing Parlor shall provide the Zoning Officer with proper facilities for the disposal of waste materials; and

   G. The establishment shall have a cleaning area which shall have an area for the placement of an autoclave or other sterilization unit.

§ 27-556. Temporary Uses (Special Events).

[Ord. 578, 3/9/2015]

1. Temporary Uses (Special Events) are Permitted by Right (PR) in all Zoning Districts, subject to the following criteria:

   A. Special Events include Temporary Uses such as carnivals, circuses, festivals, fairs, horse shows, dog shows, steeplechases, outdoor religious meetings, rodeos, outdoor concerts, tractor pulls, special outdoor entertainment on commercial properties or lots, and other similar activities;

   B. Activities which are sponsored by an organization, including, but not limited to, volunteer fire companies, local chambers of commerce, veterans' organizations, service clubs, civic organizations, churches or religious organizations, sports or hunting clubs, charitable, educational, or nonprofit organizations or recognized chapter thereof, will be required to obtain a Temporary Zoning Permit;

   C. A Temporary Zoning Permit may be issued for a period not to exceed five consecutive days;

   D. The access to the lot shall be adequate for the crowds anticipated;

   E. Adequate water and sanitary facilities must be supplied to the site. Light, noise, and dust from the activity shall be confined within the site;

   F. Adequate parking shall be provided for the anticipated number of vehicles; and

   G. At the end of the allowed time period, the Temporary Use and all debris shall be removed. The Canton Borough Zoning Officer may require a signed contract with a disposal firm as part of the application for the Temporary Use to ensure that all debris is removed. A new permit allowing the same Temporary Use at the same location may not be issued for a period of one-month from the date that the original permit was issued. It is not intended to restrict a different Applicant for a similar Temporary Use.

§ 27-557. Uses Not Provided For.

[Ord. 578, 3/9/2015]

Uses Not Provided For within this Chapter shall follow procedures set forth under Part **3**, § **27-305**, Uses Not Provided For, of this Chapter.

§ 27-558. Warehousing and Distribution Facilities.

[Ord. 578, 3/9/2015]

1. Warehousing and Distribution Facilities shall be Permitted by Right (PR) in the Industrial (I) zone, subject to the following criteria:

   A. Minimum lot area shall be five acres;

   B. Off-Street Parking and Loading spaces shall be provided for the Warehousing and Distribution Facility in accordance with Part **7**;

   C. The Applicant shall provide the Borough Zoning Officer a detailed description of the proposed use in each of the following topics and a complete Land Development application shall be submitted to the Bradford County Planning Commission:

      (1) The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials and the methods for disposal of any surplus or damaged materials. In addition, the Applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;

      (2) The general scale of operation in terms of its market area, specific floor space requirements for each activity, the total number of employees of each shift, and an overall needed site size or area; and

      (3) Any environmental impacts that are likely to be generated (e.g., noise, smoke, dust, litter, glare, outdoor lighting, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The Applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as

regulated by Part **6** and all other applicable laws and ordinances.

D. Retail sales shall not exceed 20% of the gross floor area;

E. Outdoor storage of materials is prohibited, unless enclosed within a fenced area (in accordance with § **27-605**) located in the rear yard and a minimum of 30 feet from all lot lines and screened with landscaped buffer plantings in accordance with this Chapter. The maximum area for outdoor storage shall be 750 square feet; and

F. Screening and a thirty-foot landscaped buffer shall be provided from any loading/unloading dock area that adjoins any Residential Zoning District and/or existing dwelling.

§ 27-559. Water Impoundment.

[Ord. 578, 3/9/2015]

1. Water Impoundments shall be permitted as a Conditional Use (CD) in the Industrial (I) zone intended for the reasonable development of oil and gas resources in Canton Borough, subject to the following criteria:

   A. Minimum lot area shall be 10 acres;

   B. Hours of Operation shall be 8:00 a.m. until 8:00 p.m.;

   C. All water hauling vehicle parking and staging shall be contained on the facility property or lot. In addition, the Applicant shall demonstrate adequate circulation and turning radii for water hauling vehicles accessing fill hydrants;

   D. A Water Impoundment shall contain a maximum of two fill hydrants for water hauling vehicles;

   E. Water Impoundments shall not be located closer than 300 feet from an existing building;

   F. The Water Impoundment perimeter shall be enclosed by a six-foot high security fence in compliance with § **27-605** of this Chapter with a locked gate for company access only. The company shall also attach life preservers at equidistant points around the perimeter and a rope ladder leading up slope, out of the impoundment, to an area free of water and impoundment liner;

   G. All proposed improvements for a proposed Water Impoundment shall comply with § **27-600**, Performance Standards, Applicable to All Nonresidential Uses under this Chapter;

   H. Any lighting of the Water Impoundment shall be pointed downward and inward to the property or lot center and shaded to prevent direct reflection on adjacent property or lot;

   I. The Applicant shall provide all other necessary information to enable the Borough to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The Applicant shall provide the following:

      (1) Application Information. All required application information, and all other necessary information to enable the Borough to assess compliance with this Chapter; and

      (2) Susquehanna River Basin Commission (SRBC) Approval by Rule. A copy of all applications and information required by the applicable SRBC Rules and Regulations for Water Withdrawal.

   J. Evidence of Erosion and Sedimentation submission and plan review by the Bradford County Conservation District;

   K. Any individual Water Impoundment, not located within an Oil and Gas (Unconventional) Well Pad, shall not be located within the FEMA designated floodway;

   L. Where applicable, ingress, egress and regress off of State Highways shall comply with all applicable PENNDOT, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads. No Zoning Permit shall be issued until such time as the Applicant provides evidence of compliance with a PENNDOT Highway Occupancy Permit; and

   M. A Buffer or Screening of undisturbed area of not less than 25 feet in width shall be maintained along all lot lines and road rights-of-way to provide a Buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the Buffer

required, the Borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

§ 27-560. Water Treatment Facility (Hydrofracking Fluids).

[Ord. 578, 3/9/2015]

1. Water Treatment Facilities shall be permitted as a Conditional Use (CD) in the Industrial (I) zone, subject to the following criteria:

   A. Minimum lot area shall be 10 acres;

   B. All water hauling vehicle parking and staging shall be contained on the facility property or lot. In addition, the Applicant shall demonstrate adequate circulation and turning radii for water hauling vehicles accessing intake and fill points;

   C. All proposed improvements for a proposed Water Treatment Facility shall comply with § **27-600**, Performance Standards, Applicable to All Nonresidential Uses under this Chapter;

   D. A Buffer or Screening of undisturbed area of not less than 50 feet in width shall be maintained along all lot lines and road rights-of-way to provide a Buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the Buffer required, the Borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas;

   E. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide;

   F. The Water Treatment Facility property or lot perimeter shall be enclosed by a six-foot high security fence in compliance with § **27-605** of this Chapter;

   G. Any lighting of the Water Treatment Facility shall be pointed downward and inward to the property or lot center and shaded to prevent direct reflection on adjacent property or lot;

   H. At the building setback line, the Facility shall include an elevated earthen berm that is a minimum of three feet higher than the finished elevation of Water Treatment ponds and Facilities. The berm must have a crown width of at least three feet and may not have a slope steeper than a three to one ratio;

   I. The Applicant shall provide all other necessary information to enable the Borough to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The Applicant shall provide the following:

      (1) Application Information. All required application information, and all other necessary information to enable the Borough to assess compliance with this Chapter; and

      (2) Department of Environmental Protection (DEP) Application Information. A copy of the WMGR123 application and information required by the applicable DEP Rules and Regulations.

   J. For any Water Treatment Facility approved by the Borough, the operator shall submit to the Borough copies of all Department of Environmental Protection required or Department of Environmental Protection issued documents and reports associated with the operation, within 15 days of the date of the document or report; and

   K. Where applicable, ingress, egress and regress off of State Highways shall comply with all applicable PENNDOT, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads. No Zoning Permit shall be issued until such time as the Applicant provides evidence of compliance with a PENNDOT Highway Occupancy Permit.

§ 27-561. Water Withdrawal and Distribution Facility.

[Ord. 578, 3/9/2015]

1. Water Withdrawal and Distribution Facilities shall be Permitted by Right (PR) in the Central Business District (CB) and Industrial (I) zones, subject to the following criteria:

   A. Minimum lot area shall be one acre;

   B. Hours of Operation shall be 8:00 a.m. until 8:00 p.m.;

   C. All water hauling vehicle parking and staging shall be contained on the facility property or lot. In addition, the Applicant shall demonstrate adequate circulation and turning radii for water hauling vehicles accessing fill hydrants;

   D. A Water Withdrawal and Distribution Facility shall contain a maximum of four fill hydrants for water hauling vehicles;

   E. All proposed improvements for a proposed Water Withdrawal and Distribution Facility shall comply with § **27-600**, Performance Standards, Applicable to All Nonresidential Uses under this Chapter;

   F. Any lighting of the Water Withdrawal and Distribution Facility shall be pointed downward and inward to the property or lot center and shaded to prevent direct reflection on adjacent property or lot;

   G. The Applicant shall provide all other necessary information to enable the Borough to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The Applicant shall provide the following:

      (1) Application Information. All required application information, and all other necessary information to enable the Borough to assess compliance with this Chapter; and

      (2) Susquehanna River Basin Commission (SRBC) Approval by Rule. A copy of all applications and information required by the applicable SRBC Rules and Regulations for Water Withdrawal.

   H. Evidence of Erosion and Sedimentation submission and plan review by the Bradford County Conservation District;

   I. Any Water Withdrawal and Distribution Facility shall not be located within the FEMA designated floodway;

   J. Where applicable, ingress, egress and regress off of State Highways shall comply with all applicable PENNDOT, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads. No Zoning Permit shall be issued until such time as the Applicant provides evidence of compliance with a PENNDOT Highway Occupancy Permit; and

   K. A Buffer or Screening of undisturbed area of not less than 25 feet in width shall be maintained along all lot lines and road rights-of-way to provide a Buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the Buffer required, the Borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

§ 27-562. Wine Tasting Room and Retail Sales.

[Ord. 578, 3/9/2015]

1. Wine Tasting Room and Retail Sales shall be Permitted by Right (PR) in the Commercial (C1) and Central Business District (CB) zones, subject to the following criteria:

2. Wine Tasting Room and Retail Sales for the commercial purpose of Tasting and Retail Sale of wine and related promotional items shall comply with the following conditions:

   A. Lot area shall be determined on the basis of building size, yard requirements, water and wastewater requirements and other applicable standards as per Part **4** of this Chapter;

   B. For a Wine Tasting Room and Retail Sales, the maximum floor area of a building, which may be devoted to serving the customers, shall be 1,500 square feet. Floor area devoted to serving the customer shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the area devoted to serving the customer would include display area outside the building or

structure as well as inside floor area for storage and processing of wine where customer access is restricted, except for instructional tours related to the wine making process;

C. Wine Tasting Room and Retail Sales may provide for the sale of wine and related products, wine tasting, and instruction related to the wine making process;

D. The use of the space within the Wine Tasting Room and Retail Sale area for special events such as parties or receptions is permitted in accordance with the following standards:

(1) Use of the Wine Tasting Room and Retail Sale area for special events shall be an Accessory Use (AC);

(2) Special events are limited to the following:

(a) Educational seminars, workshops, meetings and other events are permitted provided they are held indoors. The term "indoors" does not include events held under tents or other temporary structures;

(b) A Wine Tasting Room Special Event shall not exceed 50 attendees;

(c) All special events shall end no later than 10:00 p.m.;

(d) Amplified music is permitted pursuant to Part **6**, Performance Standards, of this Chapter;

(e) Parking shall be provided in accordance with Part **7**, Off-Street Parking and Loading Regulations; and

(f) Lighting may be used for special events for the duration of the event only and may not shine or produce glare on adjacent properties or lots.

PART 6. PERFORMANCE STANDARDS

§ 27-600. Performance Standards.

[Ord. 578, 3/9/2015]

1. The intent of this Part is to regulate the development and operation and all development within the Canton Borough and to protect the environment and the health, safety and general welfare. No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin, rodents or harbor destructive insects, constitute a nuisance or be a detriment to the health, safety and general welfare of the community or to any other person or property in the Borough. However, any use may be undertaken and maintained if it conforms to all applicable requirements of this Chapter, including the standards within this Part that are intended to limit nuisance elements. The following Performance Standards shall apply to all existing, proposed, new or expanded uses:

A. Vibration. No Vibration shall be permitted which is detectable without instruments at or beyond the property or lot line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment or structural soundness. This requirement shall not apply to occasional blasting conducted in accordance with applicable regulations that may be necessary during construction of streets, structures and utilities;

B. Odors and Other Forms of Air Pollution. The discharge of smoke, fumes, gas, dust, odor or other atmospheric pollutants not in compliance with Rules and Regulations of the Pennsylvania Department of Environmental Protection requirements beyond the boundaries of the lot whereon such use is located shall not be permitted. The above requirements shall not apply to odors created normally coincident with permitted lands uses, so long as the odor characteristics are nonoffensive as judged by the Canton Borough Zoning Officer based on the odor strength, characteristics, and duration;

C. Fire and Explosives Protection. All activities involving any manufacturing, production, storage, transfer or disposal of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential

hazards and details of planned safety and accident response actions shall be provided by the developer for review and recommendation by the Canton Volunteer Fire Department. In the case of Special Exceptions, larger setbacks, additional buffer areas or fencing may be required if the nature of the proposed use determined by the Borough Zoning Officer so requires;

D. Lighting and Glare. Lighting shall be controlled in both height and intensity to maintain community character, as lighting design shall be an inherent part of the project design. The Applicant shall provide specifications of the proposed lighting and its arrangement on the site;

(1) Exemption. This Section shall not apply to street lighting that is owned, financed or maintained by Canton Borough or the Commonwealth of Pennsylvania;

(2) Areas to Be Lighted. All access ways, Off-Street Parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and directional signage;

(3) Shielding. No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source;

(4) Glare. No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property or lot line;

(5) Nuisances. The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents within Canton Borough;

(6) Height. The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than 35 feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building;

(7) Type. The use of mercury vapor lighting shall be prohibited; and

(8) Flashing. Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25 and January 10;

E. Discharge.

(1) Discharge of any effluent whatsoever into the Canton Borough sewerage system shall be prohibited except only in accordance with the rules of, and under the control of, public health authorities or the Canton Municipal Authority. Any chemical or industrial waste, which places undue loads, as determined by the Authority Engineer, shall not be discharged into the municipal system and must be treated by the industrial use; and

(2) No liquid, solid, toxic or hazardous waste shall be stored or disposed in any Commercial zone, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable State and Federal Regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground except as approved by the Pennsylvania Department of Environmental Protection;

F. Radioactivity or Electrical Disturbances. No activity shall be permitted which emits dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting the operation of any person or any equipment other than that of the creator of such disturbance. All applicable State and Federal Regulations shall apply;

G. Noise. Noise, which is determined to be objectionable due to volume, frequency or beat, shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of 85 dB) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of 25 feet from any property or lot line of the property from which the noise source is located, shall not be permitted;

NOTE: "By comparison, a whisper is (30 dB) decibels; a normal conversation is (60 dB) decibels and heavy city traffic at (85 dB) decibels. An increase of 10 means that a sound is 10 times more intense, or

powerful." "How Loud Is Too Loud? How Long Is Too Long?" - National Institute on Deafness and Other Communication Disorders (NIDCD).

H. Smoke. The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted;

I. Erosion. All earthmoving activities regardless of the extent of disturbance shall be conducted in such a way as to minimize erosion and resulting sedimentation. Any person, landowner, business or corporation involved in earthmoving activities shall develop, implement and maintain erosion and sediment control measures. At a minimum, the person, landowner, business or corporation shall meet the standards of the Bradford County Conservation District and Chapter 102 of Title 25, Pa. Code, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended. A complete explanation is available in Department of Environmental Protection's publication "Erosion and Sediment Pollution Control Program Manual," which is available through the Conservation District Office; and

J. Maintenance of Yards and Adjacent Undeveloped Property. The owner or lessee of the property, whether occupied or vacant, located within or adjacent to any developed area shall maintain such premises so that:

(1) All portions of the property shall be kept free of junk, debris, disabled or unregistered motor vehicles, unless confined in a building or partially enclosed carport, and dangerous, or noxious material; and

(2) All plantings, grass, shrubbery and trees shall be maintained in a healthy condition, and trimmed at appropriate intervals, as needed.

§ 27-601. Height Regulations.

[Ord. 578, 3/9/2015]

1. Unless otherwise provided, the height of the building may be erected to a height not exceeding 60 feet if the building is set back from each yard line at least two feet for each additional one foot of building height above the height limit otherwise provided in the district in which the building is located;

2. For all residential uses, accessory buildings shall not exceed 25 feet in height;

3. Height regulations shall not apply to spires, belfries, flagpoles, cupolas, or domes not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary appurtenances; and

4. Agricultural-related uses including barns, silos, etc., are exempt from height regulations.

§ 27-602. Buffer Yards and Screen Plantings.

[Ord. 578, 3/9/2015]

1. Buffer Yards.

A. Unless otherwise provided, where a Commercial or Industrial use adjoins a Residential District, a Buffer Yard of not less than 15 feet in width shall be provided along the lot lines in addition to the yard required for the District in which it is located;

B. If a front yard is provided, the Buffer Yard may coincide with the front yard;

C. All Buffer Yard areas shall be planted and maintained with a vegetative material, and where required for Commercial and Industrial uses, a Screen Planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets;

D. Buffer Yards shall be maintained and kept free of all debris and rubbish;

E. No structure, manufacturing or processing activity, or storage of materials shall be permitted in Buffer Yards;

F. No parking shall be permitted in Buffer Yards; and

G. Prior to the issuance of a Building Permit, plans for Buffer Yards shall be submitted for review and approval to the Borough Zoning Officer. Said plans shall show the arrangements of all of the Buffer Yards and the placement, species, and size of all plant materials to be placed in such Buffer Yard. Said plan must be reviewed by the Borough Planning Commission and approved by the Borough Zoning Officer before a Building Permit may be issued.

2. Screen Plantings. Where required, Screen Plantings shall be located in the exterior portion of the required Buffer Yards and shall be in accordance with the following requirements:

   A. Plant materials used in screen planting shall be at least six feet in height when planted, and be of suitable vegetation in order to produce, within three years, a complete year-round visual screen of at least six feet in height and within 15 feet of the property or lot line;

   B. The Screen Planting shall be maintained permanently and any plant material which does not live shall be replaced within one year;

   C. The Screen Planting shall be so placed that at maturity it will be not closer than three feet from any ultimate right-of-way or property or lot line;

   D. A clear-sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets. The clear-sight triangle shall have no structures or planting more than 30 inches in height;

   E. The Screen Planting shall be broken only at points of vehicular or pedestrian access;

   F. Wherever possible, natural vegetation shall be maintained as the required screening material. Natural earth berming of at least six feet in height may be included as part of the Screening requirement;

   G. Screen Plantings shall be provided between the property or lot line and any Off-Street Parking area and any outdoor solid waste storage area for any Multi-Family, townhouse, Commercial or Manufacturing use where the parking or solid waste disposal area abuts a Residential Zoning District or a lot occupied by Residential use; and

   H. Any existing Commercial or Industrial use shall not be required to comply with the Screening requirements except in case of enlargement or exterior alteration of same.

§ 27-603. Projections in Yards.

[Ord. 578, 3/9/2015]

Solar collectors, flag poles, unenclosed ground-story terraces, decks, patios and porches may project into any required yard not more than 1/2 its required dimension and not more than 10 feet into any required setback. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two feet into a required setback.

§ 27-604. Obstruction to Vision.

[Ord. 578, 3/9/2015]

Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view except for utility poles and street signs.

§ 27-605. Fences and Walls.

[Ord. 578, 3/9/2015]

The development and placement of Fences and Walls shall comply with Chapter **5**, Part **3**, as adopted or amended, and shall comply with dimensional requirements set forth within the ordinance.

§ 27-606. Space Regulations.

[Ord. 578, 3/9/2015]

No yard or other space provided about any building or structure for the purpose of complying with this Chapter shall be considered as a yard or other open space for another building or structure.

§ 27-607. Courts.

[Ord. 578, 3/9/2015]

1. Courts shall conform to the following requirements:

    A. An open space in the form of an inner court or outer court shall be provided in connection with any building in any district wherever any room therein in which a person or persons live, work, sleep or congregate cannot be adequately lighted and ventilated from the street or yard. Such court shall be adjacent to such room, the windows of which shall open onto such court. This provision shall not apply to specialized commercial and/or manufacturing processes where controlled light and/or ventilation are required;

    B. Outer Court.

        (1) The width of any Outer Court upon which windows open from a living room, bedroom or dining room shall be not less than the height of any wall opposite such windows. However, when the depth of such court is less than six feet, the minimum width shall be two times the depth; and

        (2) The depth of the Outer Court formed by walls on three sides shall be no greater than 1 1/2 times the width.

    C. Inner Court.

        (1) The least dimension of an Inner Court shall be not less than the full height of the walls enclosing such court, but not less than 50 feet for apartment buildings and not less than 10 feet for two-family dwellings; and

        (2) An open and unobstructed passageway shall be provided for each Inner Court. Such passageway shall have sufficient cross-section area and headroom for the passage of fire fighting equipment and shall be continuous from the Inner Court to a yard or an unobstructed open area with adequate access to a street.

PART 7. OFF-STREET PARKING AND LOADING REGULATIONS

§ 27-700. General Parking Regulations.

[Ord. 578, 3/9/2015]

1. Off-Street Parking facilities shall be provided to lessen congestion in the streets. The facilities required shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. The term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way. Residential Off-Street Parking space shall consist of a parking lot, driveway, garage or combination thereof and shall be located on the lot it is intended to serve;

2. Outdoor parking spaces shall not be deemed to be part of the open space of the lot on which it is located, unless designated as overflow parking in accordance with this Part;

3. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outside walls;

    A. In the case of Single-Family residential uses, the garage may be separated from the principal building. The garage shall conform to all accessory building requirements; and

    B. In the case of Multi-Family and nonresidential uses, freestanding parking garages whether above or below ground are encouraged, but must conform to all bulk and area requirements for the District in which it is located;

4. Fractional Space. When required parking computation results in fractions, any fraction less than 1/2 shall be

disregarded and any fraction equal to or greater than 1/2 shall be construed to require a full space;

5. Each Off-Street Parking Space shall consist of an area not less than an average of 162 square feet of usable area for each motor vehicle and the dimensions of Off-Street Parking Spaces shall not be less than nine feet wide and 18 feet long, exclusive of access drives or aisles;

6. Changes in Use. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement; and

7. Modification of Parking Requirements. The Zoning Hearing Board may authorize a modification, reduction, or waiver of the Off-Street Parking requirements in exceptional cases of use, zone lot size or shape, or other unusual topographic situations.

§ 27-701. Off-Street Parking Requirements.

[Ord. 578, 3/9/2015]

The following Off-Street Parking requirements shall be minimum standards:

Table 701.1 Residential Use Parking	
Use	**Minimum Required Parking**
Dwellings other than Single-Family	2 spaces per dwelling unit, plus 1 space per 5 dwelling units for guest parking
Group Quarters	1 space per resident based on maximum occupancy, plus 1 space for guest parking for each 4 residents based on maximum occupancy
Mobile Home Parks	2 spaces for each mobile home lot, plus 1 space for every 3 mobile home lots in the park
Personal Care and Nursing Home	1 space per 4 beds based on design capacity, plus 1 space for each employee on the largest shift
Boarding Homes	1 space per bedroom or guest sleeping room, plus 2 spaces for permanent residents
Single-Family Dwellings	2 spaces per dwelling unit

Table 701.2 Commercial/Office Use Parking	
Use	**Minimum Required Parking**
Adult Related Uses	1 space for each person of total facility capacity, plus 1 space for each employee on the largest shift
Auto Body Shop, Repair Garage and Service Stations	2 spaces for each service bay area, plus 1 additional space for each full-time employee on the largest shift, but in no event less than 1 space for each 400 square feet of gross floor area
Automatic/Manual Car Wash	1 space for every 200 square feet of office and 2 spaces per washing bay
Automotive New & Used Car, Trailer & Coach Sales	1 space per 15 vehicles or homes plus 1 space per employee
Banks/Financial Institutions	1 space for each 200 square feet of gross floor area
Bar/Tavern	1 space per 200 square feet of gross floor area plus 1 per full-time employee
Carpeting, Drapery, Floor Covering and Wall Covering Sales	1 space for 500 square feet of gross floor area
Crematorium/Funeral Homes/Mortuary	1 space for each 4 seats provided for patron use by design capacity, plus 1 additional space for each full-time employee and each vehicle maintained on the premises

Table 701.2 Commercial/Office Use Parking	
Use	**Minimum Required Parking**
Convenience Stores (Mini-Mart)	1 space for 75 square feet of retail floor area
Day Care Centers (Adult & Child)	1 space for every employee on the largest shift, plus 1 space for every 6 students and off-street waiting spaces to accommodate at least 6 automobiles
Drive-Thru and Fast Food Restaurants	1 space per 2 seats and 1 space for each 2 employees
Farm/Roadside Stand	Minimum of 5 spaces
Farmers Market and/or Flea Market	1 space per each 200 square feet of retail sales area
Fitness Center	1 space per 100 square feet of floor area plus 1 space per employee on the largest shift
General Retail (Stores or Shops)	1 space per 200 square feet of gross floor area of display area, plus 1 space per each employee on largest shift
Home Occupation	2 spaces for the dwelling unit, plus 2 customer spaces
Hotels, Motels, Bed and Breakfast Homes & Inns, and Resorts	1 space per guest room, plus 1 space for each employee on the largest shift. Spaces associated with meeting rooms (1 space for 400 square feet of public meeting area), restaurants and related facilities shall be in addition to these requirements
Kennels and Veterinarians	1 space for every 15 animals of capacity, plus 6 spaces per veterinarian
Laundromat	1 space per 3 washing machines, plus 1 space per employee
Mini or Self Storage	1 space per 25 storage units, plus 1 space per employee, plus 2 spaces for any resident manager
Medical/Dental Offices, Testing Labs & Outpatient Clinics (Includes Mobile)	5 spaces for each doctor or dentist plus 1 space per employee
Offices, Professional	1 space for every 500 square feet of gross floor area
Restaurants (Other than Drive-Thru and Fast Food)	1 space for every 4 seats of design capacity or 1 space for every 50 square feet of gross floor area, whichever is larger; plus 1 space for every employee on the largest shift
Roadside Sales of Farm Products	Not less than 5 spaces
Winery (Tasting Room & Retail Sale)	1 space per employee and 1 space per 100 square feet of tasting room and retail sale floor area

Table 701.3 Recreational Use Parking	
Use	**Minimum Required Parking**
Amusement Arcade	1 space per 80 square feet of gross floor area
Billiard Room	2 spaces per table
Bowling Alley	2 spaces for each alley, plus 1 space per employee on the largest shift
Club or Lodge	6 spaces per 1,000 square feet of gross floor area, plus 1 space per employee on the largest shift
Dance Halls, Swimming Pools, Roller Rinks, Similar Places and Other Commercial Recreation Buildings	1 space for each 100 square feet of gross floor area or of water area in a swimming pool, plus 1 space per employee on the largest shift
Golf Driving Range and Miniature Golf	1 space for each tee or hole
Outdoor Recreational Facilities, Sports Arenas/ Stadiums, Auditorium, Movie Theaters and Assembly Halls	1 space for each 3 seats, plus 1 space per employee on the largest shift

Table 701.3 Recreational Use Parking	
Use	**Minimum Required Parking**
Picnic Area	1 space per picnic table

Table 701.4 Manufacturing and Industrial Use Parking	
Use	**Minimum Required Parking**
Manufacturing Plants, Research or Testing Laboratories, or Wholesale Establishments	1 space for each employee in largest shift
Warehousing/Distribution	1 space for each 1,000 square feet of gross floor area or 1 space for each employee on the largest shift, whichever is greater

Table 701.5 Institutional Use Parking	
Use	**Minimum Required Parking**
Colleges, Universities or Business, Technical and Fine Arts Schools	1 space for each full-time employee (regardless of shift), plus 3 spaces for every 4 on-campus students
Elementary and Middle Schools	1 space for 4 seats in an auditorium or 1 space for each 15 students, plus 1 space per teacher and staff member
High Schools	1 space per 4 students, plus 1 space per teacher and staff member
Hospitals	1 space for each 2 beds, plus 1 space per each employee on the largest shift
Place of Worship	1 space for every 4 seats
Vocational Training and Adult Education Facilities	1 space per 1 1/2 students enrolled

Table 701.6 Public and Cultural Use Parking	
Use	**Minimum Required Parking**
Community Buildings and Social Halls	1 space for 3 seats of total facility capacity
Public Libraries, Art Galleries and Museums	1 space for each 250 square feet of floor area open to the public, plus 1 space for each employee

1. When the parking requirements are not specified herein for a building or use for which an application for a permit has been filed or where the proposal contemplates a mix of uses and parking requirements and for all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the Developer or the Applicant and approved by the Zoning Officer. The Zoning Officer shall make the determination of which parking requirement standards shall apply in order to ensure that adequate off-street parking spaces are provided to serve the needs of the proposed uses in conformance with the standards set forth herein and upon the consideration of all factors entering into the parking needs of each use.

   The Developer and/or Applicant's study shall include the following:

   A. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound);

   B. Estimated parking duration per vehicle trip (turnover rate);

   C. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; and

   D. Estimated number of employees; one space to be provided for every two employees working maximum shift.

2. For Institutional, Industrial, Wholesale and Warehousing establishments, the Zoning Hearing Board may authorize the reduction of the number and size of paved Off-Street Parking spaces as a Variance in cases where the Applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land and show reserved areas for expansion of the paved parking for future uses. In addition, the Zoning Hearing Board may consider unimproved overflow parking areas for Institutional uses, which would be set back at least 10 feet from adjoining lot lines. Unimproved overflow parking areas shall also

provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

§ 27-702. Location of Off-Street Parking Spaces.

[Ord. 578, 3/9/2015]

1. The required Off-Street Parking Spaces for any type of use shall be located on the same lot to the principal use to which it is accessory. The required Off-Street Parking may be permitted on another lot subject to the following requirements:

   A. The lot to be used for Off-Street Parking and the lot on which the principal use is located shall be in the same zoning district;

   B. The lot to be used for Off-Street Parking and the lot on which the principal use is located shall be held under the same ownership; and

   C. The lot to be used for Off-Street Parking shall not be less than 400 feet to any lot line on which the principal structure is located.

§ 27-703. Joint Parking Facilities.

[Ord. 578, 3/9/2015]

1. Joint Parking Facilities shall be allowed in the Residential Medium Density (R2), Mobile Home Park (MHP), Central Business District (CB), Commercial (C1) and Industrial (I); and

2. Joint Parking Facilities shall be allowed subject to the following requirements:

   A. The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:

      (1) Residential Use: 100 feet;

      (2) Commercial Use: 200 feet; and

      (3) Industrial Use: 300 feet.

   B. The required parking shall be not less than the total required separately for each use with the following exceptions:

      (1) It shall be demonstrated that the uses jointly utilizing the parking facility are utilizing the parking facility at different periods of the day or different days of the week. A reduction may be granted for the total number of parking spaces needed, requiring only the number of spaces needed based on the one use of the facility requiring the most spaces; and

      (2) An agreement for the joint use of a parking facility shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the Canton Borough Solicitor filed in the Bradford County Courthouse in the chain of title of the land to be burdened in perpetuity or for a period to extend throughout the life of the use requiring the maintenance of the required number of spaces.

§ 27-704. Parking Lot Design Standards, Screening and Landscaping.

[Ord. 578, 3/9/2015]

1. The minimum dimensions of Parking Lots to be provided shall be as follows:

   A. In all districts, except in the case of Single-Family Dwellings, there shall be no less than six feet of open space between the edge of any Parking Lot and the out-side wall of any building to allow for access by emergency vehicles;

   B. Parking Lot dimensions shall be no less than those listed in Table 704.1:

Table 704.1 Parking Lot and Space Dimensions				
Angle of Parking (Degrees)	Parking Bay Width (Feet)	Length (Feet)	Aisle Width	
			One-Way (Feet)	Two-Way (Feet)
90°	9.5 feet	18 feet	20 feet	24 feet
60°	9.5 feet	21 feet	18 feet	24 feet
45°	9.5 feet	20 feet	14 feet	24 feet
30°	9.5 feet	18 feet	12 feet	24 feet

C. All Dead-End Parking Lots shall be designed to provide sufficient back-up area for the end stalls of the Parking Lot;

D. Except for Residential Uses, Parking Lots shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle;

E. Setback for Parking Lots shall be provided as follows:

(1) All parking spaces and access drives shall be at least six feet from any multiple dwelling, commercial, or industrial building on the lot;

(2) All parking spaces shall be behind the building setback line;

(3) Parking lot circulation aisles and driveways shall be physically separated from the public and/or private streets in conformance with the applicable building setback requirements, excluding entrance and exit drives of Parking Lots; and

(4) Except for single-family attached, single-family detached, single-family semi-detached and two-family detached, in no case shall Parking Lots be designed to require or encourage cars to back into a public or private street in order to exit the Parking Lot, with the exception of alleyways.

2. Screening and Landscaping for Side Yards and Rear Yards. The side and rear yard areas of properties that contain Off-Street Parking for 10 or more vehicles and/ or any Off-Street loading areas, shall be screened along such borders as provided herein:

A. A planting strip not less than five feet in depth, containing ornamental grass, shrubbery, plants and/or a similar vegetative cover that are a minimum of three feet in height at the time of planting; and

B. Such borders shall also be screened by a substantial, tight fence, six feet in height, or in lieu of a fence, an evergreen hedge not less than five feet in height at the time of planting with a spacing distance of not greater than four feet between each planting.

3. Screening and Landscaping for Front Yards. The front yard areas of properties that contain Off-Street Parking for 10 or more vehicles and/or any off-street loading areas shall be screened along such borders as provided herein:

A. A planting strip not less than 10 feet in depth shall be provided between the parking areas and the abutting street right-of-way except for the location of access drives to the property. The planting strip shall contain ornamental grass, shrubbery, plants or a similar vegetative cover; and

B. The planting strip shall also contain one shade tree for each 40 feet linear feet of planting strip. Trees shall be not less than eight feet in height at the time of planting.

4. Interior Landscaping. Off-Street Parking Lots that contain 20 or more parking spaces, in addition to the compliance with regulations contained under Subsections **2** and **3** of this Section, shall provide interior landscaping within the parking lot. Landscaping shall be not less than 5% of the total area that is paved and utilized for parking and or loading. Interior landscaped areas shall contain ornamental grass, shrubbery, plants or a similar vegetative cover and a minimum of one shade tree not less than eight feet in height at the time of planting.

§ 27-705. Provisions For Handicapped Parking Spaces.

[Ord. 578, 3/9/2015]

1. Handicapped car parking spaces shall be provided in Table 705.1 as follows:

Table 705.1
Handicapped Parking Space Requirements

Total Parking Spaces	Required Accessible Car Spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2% of Total
1,001 and over	20 plus 1 for each 100 over 1,000

* Americans with Disabilities Act, Accessibility Guidelines for Buildings and Facilities (Section 4.1.2 Accessible Sites and Exterior Facilities: New Construction.)

** Note: In addition to the required accessible car spaces, at least one handicapped-accessible van space must also be provided to serve any building. Accordingly, at least one additional handicapped-accessible van space must be provided to serve any building for each five required handicapped accessible car spaces provided.

A. Handicapped Car spaces shall be 10 feet by 20 feet in size. Handicapped Van spaces shall be 13 feet by 20 feet in size. Handicapped Van spaces shall be permitted to be 10 feet by 20 feet in size when the adjacent access aisle provided is 10 feet by 20 feet in size as well. All Handicapped Car and Van parking spaces shall be appropriately marked;

B. Any Handicapped Car or Handicapped Van parking spaces shall have an access aisle located adjacent to it. Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle. Access aisles shall not overlap with a vehicular way. Parking spaces shall be permitted to have access aisles placed on either side of the car or van parking space. Access aisles shall be at least seven feet in width. Access aisles shall extend the full length of the largest parking space that they serve. Access aisles shall be marked so to discourage parking of vehicles within them. Where access aisles are marked with lines, the width measurements of access aisles and adjacent parking spaces shall be made from the center line of the markings. Where parking spaces or access aisles are not adjacent to another parking space or access aisle, measurements shall be permitted to include the full width of the line defining the parking space or access aisle;

C. Handicapped Accessible Car and Van parking spaces shall be identified as such by five-foot high freestanding signs placed at the head of the space facing the space. Such signs shall depict the International Symbol of Accessibility, and the designation "Handicapped Accessible Car Space" or "Handicapped Accessible Van Space"; and

D. All Handicapped spaces shall be the spaces in a parking lot placed closest to the building served. All Handicapped spaces and adjacent access aisles shall have access to nearby wheelchair-accessible concrete ramps where they lead to raised curbs and/or walkways surrounding the building served.

§ 27-706. Access Driveway Standards.

[Ord. 578, 3/9/2015]

1. Residential Access Driveway Standards. All Single-Family and Two-Family dwelling driveways shall conform to the following:

A. The number of driveways may not exceed two per lot on a street frontage;

B. Driveways may not exceed 24 feet at the right-of-way line, excluding driveway radii;

C. Driveways must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of 4% within 50 feet of the street right-of-way line. Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point the drive intersects the right-of-way;

D. A clear-sight triangle in conformance with this Chapter shall be provided for driveways;

E. Driveways shall be set back three feet from each side lot line; and

F. Common use driveways for single-family, semi-detached and single-family attached units shall be permitted with no setback required at the common interior lot line, but shall be required at the exterior side lot line.

2. Multi-Family Residential and Nonresidential Access Drive Standards.

A. Number per Lot. Except as specified elsewhere, the number of access drives intersecting with each street shall not exceed two per lot or street frontage;

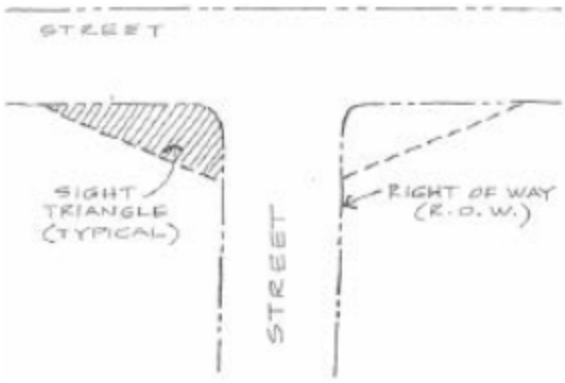
B. Setbacks. All access drives shall be set back at least:

(1) Fifty feet from any other access drive or driveway located upon the same lot;

(2) Ten feet from any side and/or rear property or lot lines; however, this setback shall be excluded along the property or lot line when a joint parking lot is shared by adjoining uses; and

(3) Fifty feet from any street intersection.

C. Clear-Sight Triangle. Access drives shall be located and constructed so that a clear-sight triangle a minimum of 150 feet as measured along the street center line and along the driveway center line is maintained. No permanent obstructions and/or plant materials over 30 inches high shall be placed within this area;



D. Access Drive Width. Access drives shall provide a twelve-foot wide cartway for each lane of travel. However, in no case shall any access drive cartway be less than 18 feet wide. See Table 706.1 below:

Table 706.1 Access Drive Width

Number of Lanes	Direction of Travel	Required Access Drive Width (feet)
1	One-way	12 feet
2	One-way	24 feet
3 or More	One-way	12 feet

E. PENNDOT Permit. Any Access Drive intersecting a State-owned road shall require the possession of a Pennsylvania Department of Transportation Highway Occupancy Permit as set forth in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.

§ 27-707. Drainage, Surfacing and Maintenance Standards.

[Ord. 578, 3/9/2015]

1. Parking lots, including driveways, shall be graded, surfaced with gravel or asphalt and drained to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property; and
2. Parking areas shall be kept clean and free from rubbish and debris.

§ 27-708. Lighting.

[Ord. 578, 3/9/2015]

1. Parking lots shall be illuminated as necessary to protect the public safety;
2. Such illumination shall be designed, directed or shielded to effectively eliminate direct glare on adjacent property or roadways. Lighting shall not be required for residential dwellings that are permitted by right, for parking lots with less than five spaces or for those uses that do not have night-time operating hours; and
3. Prior to the time any exterior lighting is installed or substantially modified, an exterior lighting plan shall be submitted to the Zoning Officer in order to determine that adjoining properties shall not be adversely impacted by the proposed illumination.

§ 27-709. Loading and Unloading Space.

[Ord. 578, 3/9/2015]

1. An Off-Street Loading space shall be an area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys;
2. Off-Street Loading and Unloading space shall be in addition to, and not considered as meeting a part of, the requirements for Off-Street Parking space;
3. Off-Street Loading and Unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, sidewalk, alley, designated fire access lane, or adjoining property;
4. Off-Street Loading and Unloading spaces shall not be located so that vehicles entering or leaving the spaces would conflict with parking spaces and require backing maneuvers in areas of customer or public circulation; and
5. The following Off-Street Loading and Unloading space requirements for specific uses shall be provided as listed below in Table 709.1:

Table 709.1 Off-Street Loading and Unloading Requirements

Type of Use	Number of Spaces Per	Gross Floor Area/Dwelling Unit
Hospital or Other Institution	None	First 10,000 feet^2
	1.0	10,000 to 100,000 feet^2
	+1.0	Each additional 100,000 feet^2
Hotel, Motel and Similar Lodging Facilities	None	First 10,000 feet^2
	1.0	10,000 to 100,000 feet^2
	+1.0	Each additional 100,000 feet^2
Manufacturing and Industrial	None	First 2,000 feet^2
	1.0	2,000 to 25,000 feet^2
	+1.0	Each additional 40,000 feet^2
Multi-Family Dwelling	None	First 2,000 feet^2
	1.0	2,000 to 25,000 feet^2
	+1.0	Each additional 40,000 feet^2

Table 709.1 Off-Street Loading and Unloading Requirements		
Type of Use	**Number of Spaces Per**	**Gross Floor Area/Dwelling Unit**
Office Buildings and Banks	None	First 10,000 feet^2
	1.0	10,000 to 100,000 feet^2
	+1.0	Each additional 100,000 feet^2
Retail Sales	None	First 2,000 feet^2
	1.0	2,000 to 10,000 feet^2
	2.0	10,000 to 40,000 feet^2
	+1.0	Each additional 100,000 feet^2
Theater, Auditorium, Bowling Alley or other Recreational Establishment	None	First 10,000 feet^2
	1.0	10,000 to 100,000 feet^2
	+1.0	Each additional 100,000 feet^2
Undertaking Establishment or Funeral Parlor	None	First 3,000 feet^2
	1.0	3,000 to 5,000 feet^2
	+1.0	Each additional 10,000 feet^2
Wholesale or Warehousing	None	First 1,500 feet^2
	1.0	1,500 to 10,000 feet^2
	+1.0	Each additional 40,000 feet^2

6. When determination of the number of required Off-Street Loading and Unloading spaces results in a requirement of a fractional space, any fraction up to and including 1/2 may be disregarded, and fractions over 1/2 shall be interpreted as one Off-Street Loading and Unloading space. Any fractional spaces shall be rounded up;

7. The Off-Street Loading and Unloading space shall not be less than 10 feet wide, and 35 feet in length, and 14 feet in height, when covered. For warehouse buildings or buildings accommodating tractor-trailers, the minimum Off-Street Loading and Unloading space size shall be increased to 12 feet wide and 70 feet long;

8. No Off-Street Loading and Unloading spaces shall be within any Building Setback and/or Buffer Area;

9. When the Off-Street Loading and Unloading space abuts a residential use or zone, a five-foot Buffer Area shall be provided contiguous to the property or line of the Residential use or zone in addition to the required setback; and

10. Surfacing. All open Off-Street Loading and Unloading spaces shall be improved with a compacted base, surfaced with bituminous concrete or cement concrete pavement of adequate thickness to support the weight of a fully loaded vehicle.

§ 27-710. Fire Lanes.

[Ord. 578, 3/9/2015]

1. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by the Canton Borough Volunteer Fire Department.

PART 8. SIGNS

§ 27-800. Purpose.

[Ord. 578, 3/9/2015]

This Part is intended to:

- Promote and maintain overall community aesthetic quality;

- Establish time, place and manner of regulations for the exercise of free speech, without regulating content;
- Promote traffic safety by avoiding distractions and sight distance obstructions for pedestrians and vehicular traffic;
- Protect property values and ensure compatibility with the character of neighboring uses;
- Establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development; and
- Monitor renovation and enforce proper maintenance of signs.

§ 27-801. Applicability of Regulations.

[Ord. 578, 3/9/2015]

Signs may be erected and maintained only when in compliance with the provisions of this Part and all other ordinances and regulations relating to the erection, alteration or maintenance of signs.

§ 27-802. Definition of Sign Terms.

[Ord. 578, 3/9/2015]

The following words are defined in order to facilitate the interpretation of this Part, Signs, for administrative purposes and in the carrying out of duties by Zoning Officer and by the Zoning Hearing Board. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning indicated in this Chapter. Words used in the present tense include the future tense. The singular includes the plural.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. The terms "shall and will," "will" and "must" are always mandatory. The words "should" or "may" are permissive. The words "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied." The word "erected" shall be inclusive of the words "constructed, altered or moved."

ANIMATION/FULL MOTION
: A type of display achieved by the prerecorded or live broadcast of messages, content or images appearing in fluid, continuous motion.

BANNER
: Any sign of durable, lightweight fabric or similar material that is mounted to a pole or building at two or more edges. National, State, or municipal flags shall not be considered banners.

DISSOLVE
: A type of display transition between static message displays that is achieved with varying light intensity and where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

FADE
: A type of display transition between static message displays that is achieved with varying light intensity and where the first message gradually loses light intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FLAG
: Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

FLASHING
: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

HOLIDAY DECORATION
: Any sign the primary purpose of which is to celebrate a holiday.

MENU BOARD
: A variable message sign that allows a retailer to list products and prices. For example, the bill of fare for a fast food restaurant.

SCROLLING

A type of display during which the message, content and/or image is moved/shifted across the display area in a horizontal, vertical or diagonal motion (non-static).

SIGN

Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. This excludes national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of governments.

SIGN, ABANDONED

A sign located on a property or lot, which is vacant and/or unoccupied for a period of 90 days, which is damaged, in disrepair or vandalized and not repaired within 90 days, or, which contains an outdated message for a period exceeding 30 days.

SIGN, ADDRESS

A sign or individual lettering/numbering that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

SIGN, AREA

The area of a sign including all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting porting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

SIGN, AWNING

A sign displayed on or attached flat against the surface or surfaces of an Awning.

SIGN, BILLBOARD

A sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.

SIGN, BLANK-OUT

An electronic display, changeable message sign, which is typically used as a traffic control device that is capable of displaying one or more alternative messages. These signs have a blank mode when no message is displayed, while others display multiple messages with only one of the messages displayed at a time such as: incident management and route diversion, warning of adverse weather conditions, special event applications associated with traffic control or conditions, control at crossing situations, lane, ramp, and roadway control or other types of managed lanes, travel times, warning situations, traffic regulations, speed control, destination guidance and open/closed signs at weigh stations.

SIGN, CANOPY (ATTACHED)

A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

SIGN, CANOPY (FREESTANDING)

A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

SIGN, CONSTRUCTION

A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIGITAL BILLBOARD

An Off-Premises sign, display or device, which changes the static message or copy by electronic means.

SIGN, DIRECTIONAL

Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

SIGN, DIRECTORY

A sign which displays the names and/or addresses of business establishments, housing units, amenities, or uses of a building or group of buildings.

SIGN, ELECTRONIC MESSAGE

Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

SIGN, FACE

The area or display surface used for the message.

SIGN, FREESTANDING

A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

SIGN, GARAGE/YARD SALE

A temporary sign that directs attention to the sale of personal goods on the premises on which the sign is located.

SIGN, GOVERNMENT/REGULATORY

Any sign to control traffic or for identification, including street signs, warning signs, railroad-crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

SIGN, GROUND

Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

SIGN, HEIGHT

The distance from the existing ground elevation at the base of, or immediately below, the sign to the highest point of the sign structure.

SIGN, IDENTIFICATION

A sign which indicates only the name and address of the building or occupant of the building at which the sign is located.

SIGN, ILLEGAL

Signs, which are erected without a permit, without property or lot owner permission, or which are erected in a zone without meeting minimum requirements of that Zoning District.

SIGN, ILLUMINATED

Directly lighted by any artificial light source, internal or external.

SIGN, INCIDENTAL

Incidental sign as a sign, emblem or decal designated to inform the public of goods, facilities or services available on the premises, and includes, but is not limited to, the following: restrooms, property ownership or management, hours of operation, phone booths, ATMs, acceptable credit cards, recycling containers.

SIGN, INFLATABLE

Any sign, used on a temporary basis, that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure to advertise a product or event. For purposes of this definition and Chapter, a simple helium balloon is not considered to be an inflatable sign.

SIGN, INFORMATIONAL

An On-Premises sign for the convenience of the public giving directions, instructions, facility information or other assistance around a site, such as location of exits, entrances, parking lots, amenities and housing units, to encourage proper circulation. It may contain the logo of an enterprise, but no other advertising copy.

SIGN, INSTRUCTIONAL

A sign, which provides direction or instruction to guide persons to facilities, intended to serve the public (e.g. restrooms, public telephones, public walkways, parking areas, maps, housing units or transportation schedules).

SIGN, LED/LCD

Signs that have an alphabetical, pictographic or symbolic content that can be changed or altered on a display screen using light emitting diodes technology, liquid crystal display technology or other technology that produces an electronic image on a display screen.

SIGN, MARQUEE

Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

SIGN, MONUMENT
Any freestanding sign, the bottom of which is no more than 12 inches above the ground or pavement.

SIGN, NEON
Any sign composed of glass tubing containing a large proportion of neon or other similar gas. A neon sign may be a wall sign, a projecting sign, or a window sign.

SIGN, OFF-PREMISES
A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

SIGN, ON-PREMISES
Any sign, the content of which relates to the premises on which it is located, referring to the name, location, products, services or activities on the premises, or the sale, lease or construction of the premises.

SIGN, PERMANENT
A sign that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.

SIGN, POLITICAL
A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the public.

SIGN, PORTABLE
Sign, graphic or display for commercial, industrial, institutional, service, entertainment or informational purposes which can be readily moved from place to place and which is not affixed to a building, to another permanent structure or to the ground.

SIGN, PROJECTING
A sign that is wholly or partly dependent upon a building for support and projects more than 12 inches from such building.

SIGN, PYLON
A freestanding sign with visible support structure or with the support structure enclosed with a pole cover.

SIGN, REAL ESTATE
A sign relating to the property or lot upon which it is located, offering such property or lot for sale or lease.

SIGN, ROOF
A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, hip roof, or the deck line of a building with a mansard roof.

SIGN, TEMPORARY
Any sign or advertising display constructed of cloth, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time. Portable signs or any sign that is not permanently embedded in the ground or otherwise permanently affixed to real estate are considered temporary signs.

SIGN, WALL
An attached sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. For the purpose of this definition, a Wall Sign shall also include signs projected onto a wall or building structure by an external light source.

SIGN, WINDOW
A sign which is attached to a window or transparent door or that can be read through a window or transparent door.

STATIC
A type of display during which a message, content and/or image display remains fixed and unchanging.

TIME AND TEMPERATURE DISPLAY
A variable message sign which displays current time and temperature in a stationary or alternating manner.

TRANSITION
A visual affect used on an Electric Message Sign to change from one message to another.

§ 27-803. General Regulations for All Signs.

[Ord. 578, 3/9/2015]

1. All permanent signs shall require an official Borough Sign Permit under this Section, except those identified under §§ **27-805** and **27-813** respectively.

   A. Sign(s) must be constructed of durable material and maintained in good condition;

   B. No sign shall be maintained within Canton Borough in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings;

   C. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premises, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign shall be made safe or removed within 10 days of the written notice from the Zoning Officer;

   D. Sign(s) painted upon or displayed upon a building or structure shall be regarded as a flat Wall Sign and the regulations pertaining thereto shall apply;

   E. Sign(s) may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spot lights that are shielded so there is no direct light transmitted to other properties or lots or public rights-of-way;

   F. Internally illuminated sign(s), designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign(s), unless otherwise prohibited, will be permitted providing that the light being emitted from the sign(s) shall not cause a glare or emit light onto the surrounding area;

   G. No sign or sign structure shall constitute a hazard to public safety or health, including a sign, which fails in the determination of the Zoning Officer, to properly shield its light source from providing unacceptable glare to a neighboring property or lot or the public street;

   H. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters;

   I. Flashing, blinking, strobe, twinkling, animated, streaming or moving signs of any type shall be prohibited. A sign may only change from one message to another message provided the message does not change more than once every minute. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes Window Signs, but does not prohibit seasonal holiday lighting or displays that comply with this Part;

   J. No sign shall by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers, either when leaving or entering a roadway from another roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;

   K. No sign shall be of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street;

   L. No commercial ad(s) or sign(s), other than approved by PA Department of Transportation, shall make use of words such as "stop," "look," "one-way," "danger," "yield" or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic;

   M. No sign located within 300 feet of any traffic light shall be illuminated with red, green, or yellow lights;

   N. No visible, internal or external sign(s) shall display words or images that are obscene or pornographic. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:

      (1) Any graphic illustration pertaining to specified sexual activities, specified anatomical areas, or both; and

      (2) Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above;

   O. No sign shall be erected or located as to prevent free ingress or egress from any window, door or fire escape;

P. No sign shall be permanently attached to public utility poles or trees, which are within the right-of-way of any street;

Q. No sign shall be painted on, attached to or supported by a tree, stone, cliff or other natural object, except for decorative signage designating the property owner;

R. Within an area regulated by the Canton Borough Floodplain Ordinance, no Freestanding Sign shall be permitted within a designated Floodway;

S. In the event that a symbol, trademark or other such figure is used as a sign post or standard, which could be constructed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area;

T. Only those signs referring directly to services, materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise provided in this Part;

U. Except for flat Wall Signs, no point of any sign, including trim, border and supports, shall be located within 10 feet of any property line or street right-of-way;

V. No sign shall emit smoke, visible vapors or particles, sound or odors;

W. No sign shall contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Chapter;

X. Any sign attached to a building shall not be placed on the roof, be higher than the wall to which it is attached, or located on a parapet wall;

Y. No point of a Wall Projecting Sign shall be located less than 8 1/2 feet above the grade directly below the sign;

Z. No sign shall be affixed to any motor vehicle or semi-trailer in such a manner that the carrying of such sign is no longer incidental to the vehicle's primary purpose;

AA. No sign located on public, State, County or Borough property or a public right-of-way shall bear any commercial advertising or announcement; and

BB. No inflatable signs shall be permitted other than for special events determined by the Zoning Officer.

§ 27-804. Determination of Sign Area and Height.

[Ord. 578, 3/9/2015]

1. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape that encompasses all of the letters and symbols. Calculation of Ground Sign Computations and various geographic shape examples can be found on pages following § **27-814**; and

2. The maximum height of all signs shall be as established for the district where the sign is to be located. The following general height criteria or restrictions shall apply to all signs as applicable:

   A. Sign height shall be measured from the average grade of the site beneath the sign to the highest point of the sign. No person(s) shall artificially increase the maximum height of the sign by altering the grade at the base of the sign;

   B. Wall Signs, either parallel or projecting, shall not extend above the top of the wall to which they are attached; and

   C. Freestanding business identification signs shall not be located closer to the ground than 10 feet (measured from the lowest part of the sign) when located in a parking, vehicular or pedestrian circulation area, unless they are resting on the ground. Freestanding billboards or advertising sign boards, and canopy signs shall be at least 15 feet above the average grade of the proposed site.

§ 27-805. Signs not Regulated by this Part.

[Ord. 578, 3/9/2015]

1. Bulletin Boards. Not exceeding 32 square feet in area for public, charitable, or religious institutions where the same are located on the premises of said institutions;

2. Decals. Decals affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment;

3. Handicap Parking Space. Signs not exceeding two square feet in areas reserving parking for handicapped individuals;

4. Historic Sign. A sign that memorializes an important historic place, event or person and that is specifically authorized by Canton Borough or Bradford County, the Commonwealth of Pennsylvania or the Federal Government;

5. Holiday Decorations. Decorations that commemorate a holiday recognized by Canton Borough, Bradford County, the Commonwealth of Pennsylvania or the Federal Government and that do not include advertising;

6. Home Occupation Sign. Advertises a permitted Home Occupation that shall not be illuminated within the Low Density Residential (R1), Medium Density Residential (R2), Mobile Home Park (MHP) Zoning Districts and shall be attached to the principal building wall or within a building window and not exceed a surface area of six square feet. A Home Occupation sign shall not be Freestanding;

7. Name and Address. Up to two signs indicating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification;

8. Official Sign. A sign erected by the Commonwealth of Pennsylvania, Bradford County, Canton Borough, the Federal Government or other legally constituted governmental body, or specifically authorized by Canton Borough Ordinance or Resolution, and which exists for public purposes, such as, but not limited to, identifying public transit stops;

9. Open House Sign. A temporary sign that advertises the periodic sale or rent of a house that shall be placed a maximum of four days before the open house begins and shall be removed a maximum of 24 hours after the open house ends;

10. Private Drive Signs. On-Premises Private Drive signs are limited to one per driveway entrance with language limited to the words "Private Drive" or "Lane" and the addresses of any residences using the Private Driveway; and

11. Security and Warning Signs. On-Premises signs regulating the use of the premises, such as "No Trespassing," "No Hunting" and "No Soliciting" signs. In addition, Home Security Company signs indicating that a home contains an alarm system.

§ 27-806. Nonconforming Signs.

[Ord. 578, 3/9/2015]

1. Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:

    A. There may be no expansion or increase in the nonconformity in any way;

    B. Maintenance and repair of the sign are permitted, if necessary, up to 50% of the sign and its supporting structure may be replaced in the event of damage, with this 50% limitation being cumulative. Any such replacement must be completed within six months of the damage occurring; and

    C. The sign must be brought into conformity if, for a period of at least three months, the message has no longer applied to an activity on the premises (this does not apply to Billboards).

§ 27-807. Signs for Nonconforming Uses.

[Ord. 578, 3/9/2015]

1. Upon receipt of an application for a permit to erect, alter or reconstruct a sign upon premises having a Nonconforming Use or Structure as defined by Part **9**, Nonconforming Lots of Record, Buildings and Uses, of this Chapter, the Zoning Officer shall refer said application to the Zoning Hearing Board to hear and determine whether such permit application should be granted. Such determination to be based upon the following criteria:

   A. The sign must have a reasonable commercial need, must be the minimum necessary to meet such commercial need, and shall in no event exceed the requirements as hereinbefore set forth in this Part;

   B. The sign shall contain no advertising matter not specifically related to the use of the premises; and

   C. The sign shall not conflict, offend or interfere with the conforming uses in the immediate vicinity.

§ 27-808. Abandoned and Outdated Signs.

[Ord. 578, 3/9/2015]

1. Signs advertising a use no longer in existence shall be removed within 90 days of the cessation of such use. If the owner of a property or lot does not remove such sign(s) within 30 days after receiving a written notice from the Zoning Officer, the sign(s) may be removed by Canton Borough at the expense of the property or lot owner; and

2. These time limits shall not apply to a sign intended to be reused with a new sign face serving a building that is clearly temporarily vacant and being offered to new tenants or for purchase.

§ 27-809. Billboards.

[Ord. 578, 3/9/2015]

1. Billboards or Off-Premises signs include signs, graphics and other displays for commercial, industrial, institutional, service or entertainment purposes, products, uses, or services conducted, sold or offered elsewhere than upon the same premises where the sign is located. These signs are Permitted by Right (PR) in the Commercial (C1) Zoning District:

   A. All Off-Premises advertising signs or Billboards shall be constructed and erected on a steel unipole or steel I-beams meeting the minimum standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising;

   B. The support structures for all Off-Premises advertising signs or Billboards shall be constructed and erected on permanent footings, as determined by the licensed engineer responsible for the permit application; and

   C. Engineering Certification. An Engineering Certification shall accompany the application for a Billboard Sign Permit. The Engineering Certification shall indicate, under the seal of a professional engineer, that the existence of the proposed Off-Premises sign shall not present a safety hazard:

      (1) Sign Separation Distance. The minimum distance required between all Off-Premises signs shall be 1,500 feet as measured along the center line of the abutting roadway. Signs located on the opposite sides of the road or in an adjacent municipality are subject to this distance requirement. These signs shall be located according to the following standards:

         (a) No Off-Premises sign(s) shall be erected within 250 feet of any existing Freestanding On-Premises sign; and

         (b) No Off-Premises sign(s) shall be erected within 1,000 feet of any existing residential dwelling or Residential Zoning District;

      (2) Sign Setbacks. Off-Premises sign(s) shall be located in accordance with the building setbacks for structures located in the Commercial (C1) Zoning District;

      (3) Sign Area. The maximum area for any Off-Premises sign(s) shall be 250 square feet per side; and

      (4) Sign Height. At grade, no portion of any Off-Premises sign shall be more than 25 feet above the highest elevation of the surrounding natural grade.

§ 27-810. Digital Billboards.

[Ord. 578, 3/9/2015]

1. Digital Billboards or Off-Premises signs include signs, graphics and other displays for commercial, industrial, institutional, service or entertainment purposes, products, uses, or services conducted, sold or offered elsewhere than upon the same premises where the sign is located. These signs are Permitted by Right (PR) in the Commercial (C1) Zoning District:

   A. Display Standards.

      (1) Static display time interval: Eight seconds minimum;

      (2) Transition display time interval: One second maximum;

      (3) No display shall include animation/full motion, blinking, flashing, dissolving, fading, moving light and/or scrolling messages, content and/or images, nor shall it project a static image upon a stationary object;

      (4) Transitions between the display of a message, content and/or image shall be immediate only and shall occur simultaneously on the entire display area;

      (5) The display of message, content and/or image shall be visible only from one direction of traffic travel per sign. This provision shall not preclude the conversion of existing Billboards with two sign faces that have been designed to be viewed in opposite directions of travel, provided each face would read to only one direction of travel;

      (6) No portion of a Digital Billboard shall project into a dedicated utility easement or be closer than five feet of a right-of-way line;

      (7) A minimum linear spacing of 1,500 feet shall be required between one Digital Billboard and any other Digital Billboard on the same side of the roadway;

      (8) A Digital Billboard shall incorporate systems/devices that will automatically freeze (remain static) a single message, content and/or image on the display should a billboard malfunction or be damaged;

      (9) A Digital Billboard shall incorporate systems/devices necessary to automatically adjust the brightness/ intensity of the display according to ambient (natural or otherwise) light conditions;

      (10) The owner of a Digital Billboard shall coordinate with Canton Borough, the Commonwealth of Pennsylvania and the Department of Homeland Security to display emergency information critical to the traveling public, such as "AMBER ALERTS" from a National Center for Missing and Exploited Children (NCMEC) authorized source, and other alerts involving terrorist attacks, natural disasters. Emergency messages are to remain in the display's rotation according to the designated issuing agency's protocols;

      (11) If the Canton Borough Zoning Officer determines that a Digital Billboard causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the Digital Billboard, within 12 hours of a request by Canton Borough, shall reduce the intensity of the display or to an alternative setting that satisfactorily mitigates the specific impairment to the driver as determined by the Borough;

      (12) The owner of a Digital Billboard shall provide the Canton Borough Zoning Officer contact information for a person who is available to be contacted at any time and who is able to turn off the display promptly should a billboard malfunction or damage occur. Such contact information shall be resubmitted to the Borough every six months;

      (13) The illumination intensity of the display of a Digital Billboard shall not exceed 0.3 foot candles above ambient light conditions;

      (14) With the exception for "AMBER ALERTS," a Digital Billboard or its message, content and/or image shall not be configured to resemble a warning or danger signal or cause a driver to mistake the Digital Billboard or its message, content and/or image for a warning or danger signal;

      (15) A Digital Billboard or its message, content and/or image shall not resemble or simulate any lights or official signage used to control traffic in accordance with PENNDOT Specifications;

(16) A newly constructed Digital Billboard shall not:

(a) Exceed 250 square feet in total display area per side;

(b) Exceed 25 feet in height above grade at the center line of the main traveled way closest to the structure;

(c) Be located within 1,000 feet of a Residential Zoning District boundary. Measurement is linear on the same side of the roadway;

(d) Be located within 500 feet of the point of intersection of a limited access thoroughfare interchange;

(e) Be located within 1,500 feet of a park or playground; and

(f) Be provided electrical service via underground utility lines.

§ 27-811. Signs with Electronic Messages.

[Ord. 578, 3/9/2015]

1. Signs incorporating electronic message displays shall not be permitted except within the Central Business (CB) and Commercial (C1) Zoning Districts and not within 500 feet of a signalized traffic intersection, a residential use or any Low Density Residential (R1), Medium Density Residential (R2) or Mobile Home Park (MHP) Zoning District and shall comply with the following requirements:

A. Such signs shall employ sufficient size, lettering and/or symbols for immediate recognition by motorists;

B. Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning; and

C. Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect.

§ 27-812. Sign Permit Process.

[Ord. 578, 3/9/2015]

1. For signs requiring permits in this Part, the following requirements shall apply prior to the erection of said signs:

A. Permit Applications: Application for a permit shall be made at the Canton Borough Offices;

B. Application shall be made on a form to be provided by the Borough and shall contain the following information and documentation:

(1) The name(s) and address(es) of the sign owner(s) and the landowner(s);

(2) An affidavit of title executed by the landowner(s) indicating the date and place of recording of the present title to the land;

(3) A drawing to scale, showing the location of the sign with reference to the adjoining property or lot lines and streets;

(4) A drawing to scale, showing all dimensions of the sign. For a Directional Sign or an On-Premises sign advertising activities being conducted on the property or lot, the drawing shall also contain an accurate representation of the advertising or informative contents of the sign; and

(5) A description of the construction materials of the sign and its manner of installation;

C. Each application shall be accompanied by the appropriate fee, as established by the Borough Council;

D. All applications shall be reviewed, and permits issued, by the Zoning Officer. No Sign Permit shall be issued except in conformity with the regulations of this Chapter, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a Variance;

E. Prior to moving any earth to place a sign, the Applicant is required to contact Pennsylvania One-Call System, Inc., to determine location of any underground utilities;

F. Permit Issuance. Following permit application approval, a Sign Permit will be issued by the Zoning Officer upon receipt of all required fees;

G. If there is any change in location or dimensions of any sign, or in advertising or informative contents of a sign, a new permit shall be required; and

H. Revocation of Permits.

(1) All permits shall be subject to revocation upon 15 days' written notice for violation of any provision or upon change of information provided in the application; and

(2) Revocation of a permit shall not be cause for refund of the permit fee.

§ 27-813. Permitted Signs and Requirements for Sign Type, Area, Dimensions and Location.

[Ord. 578, 3/9/2015]

Permitted Sign Type	Zoning District	Location/ Placement	Number Permitted	Maximum Dimensions		Setback	Illumination	
				Area	Height		Internal	External
Awning/Canopy (Attached)	CB	Ground Level Entrance	One per entrance	4 feet^2	N/A	N/A	N	N
Billboard	C1	Off-Premises	One per 1,500 feet	250 feet^2 per side	25 feet	District	N	P
Canopy (Freestanding)	CB, C1	On-Premises	One per property	32 feet^2	20 feet	District	P	P
Digital Billboard	C1	Off-Premises	One per 1,500 feet	250 feet^2 per side	25 feet	District	P	N
Directional	All	On-Premises	Not Restricted	2 feet^2	N/A	N/A	P	P
Directory	CB, C1, OS	Near Building or Parking Entrance	One per entrance	16 feet^2	6 feet	District	N	P
Electronic Message	C1	On-Premises	One per property	12 feet^2 per side	6 feet	District	P	N
Home Occupation	R1, R2, MHP	Ground Level Entrance	One per entrance	2 feet^2	5 feet	N/A	N	N
Incidental	All	On-Premises	Not Restricted	2 feet^2	N/A	N/A	P	P
Identification	All	On-Premises	One per property	2 feet^2	5 feet	N/A	P	P
Marquee	CB	Extending from Building Wall	One per entrance	32 feet^2	20 feet	N/A	P	P
Menu Board	CB, C1	Ground Level Entrance	One per property	2 feet^2 per side	5 feet	N/A	P	P
Monument	R1, R2, CB, C1	On-Premises	One per property	32 feet^2 per side	4 feet	District	N	P
Projecting	CB, C1	Extending from Building Wall	One per property	32 feet^2 per side	8 feet	N/A	P	P
Pylon	C1	On-Premises	One per property	32 feet^2 per side	12 feet	District	P	N
Roof	C1	Between Building Eave and Top of Ridge	One per building	20 feet^2	Not Exceed Top of Ridge	N/A	N	N

Permitted Sign Type	Zoning District	Location/ Placement	Number Permitted	Maximum Dimensions		Setback	Illumination	
				Area	Height		Internal	External
Sandwich Board	CB, C1	In Area of Storefront	One per property	10 feet^2 per side	5 feet	Within 6 feet of Building Exterior	N	N
Temporary	See § **27-814**							
Time & Temperature	CB, C1	On-Premises	One per property	12 ft^2	N/A	District	P	N
Wall	CB, C1	Parallel to Building Face not extending more than 12 inches	One per property	32 ft^2	20 feet	N/A	N	P
Window	CB, C1	Affixed to Internal Side of Window	Not Restricted	25% of Gross Glass Area on any one side of building	N/A	N/A	N	N

SETBACK: DISTRICT = Zoning District Setback Regulations

ILLUMINATION: N = Not Permitted and P = Permitted

§ 27-814. Temporary Sign Requirements.

[Ord. 578, 3/9/2015]

(click here to view the full table)

Temporary Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Sign	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection From Wall For Wall Projecting Signs	Zoning Districts Permitted By Right (PR)	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 feet^2 per sign	5 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a sign be left on site beyond allowable time period, the Borough may impound it and recover a fee from owner equal to cost of impoundment and storage	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or	1 per street frontage, maximum of 2 signs	6 feet^2 per sign	5 feet	Height of wall to which sign is attached	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to	No

Temporary Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Sign	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection From Wall For Wall Projecting Signs	Zoning Districts Permitted By Right (PR)	Other Requirements	Permit Required
sold.								Borough impoundment and a recovery fee	
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 feet^2 per unit of occupancy, not to exceed 32 feet^2	10 feet	Height of wall to which sign is attached	Not Permitted	Not Permitted	All	Such signs shall be removed upon completion of construction of final unit	Yes
Proposed development signs for commercial uses, industrial uses, other nonresidential uses, other nonresidential uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	1 feet^2 per 1,000 feet^2 of gross leasable floor area, not to exceed 64 feet^2	10 feet	Height of wall to which sign is attached	Not Permitted	Not Permitted	CB, C1 & I	All such signs shall be removed upon completion of building construction	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.)	1 per business per event	32 feet^2 if freestanding; 48 feet^2 if attached to wall	10 feet	Height of wall to which sign is attached	Not Permitted	Not Permitted	All	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total	No
Farm/roadside stand signs for the sale of agricultural products upon a principal farm property.	1 per street frontage, maximum of 2 signs	5 feet^2	10 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	5 feet	R1, R2 & MHP	Roadside stand signs shall only be displayed during seasons when products are for sale	No

Temporary Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Sign	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection From Wall For Wall Projecting Signs	Zoning Districts Permitted By Right (PR)	Other Requirements	Permit Required
Garage/ yard sale signs upon properties conducting such sales.	2	4 feet^2	5 feet	Height of wall to which sign is at-tached	Not Permitted	Not Permitted	All	N/A	No
Political Signs	Unlimited	12 feet^2	5 feet	Height of wall to which sign is at-tached	Not Permitted	Not Permitted	All	Such signs may only be displayed be-tween 30 days prior to and 5 days after an election	No

PART 9. NONCONFORMING LOTS OF RECORD, BUILDINGS AND USES

§ 27-900. General.

[Ord. 578, 3/9/2015]

All lawful or previously Nonconforming uses of land, buildings, signs, or other structures existing on the effective date of the ordinance codified in this Chapter may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the District in which it is located, provided such Nonconforming conditions shall comply with the following sections.

§ 27-901. Registration and Identification.

[Ord. 578, 3/9/2015]

1. The Zoning Officer shall identify and register all of the premises occupied by a lawful Nonconforming use or building existing at the effective date of the ordinance codified in this Chapter and issue a Certificate of Nonconformance which shall be for the purpose of ensuring the owner's right to continue a Nonconforming building or use from the date of certificate issuance;
2. Nonconforming uses and structures may be reported to the Zoning Officer by the owner, user, lessor or lessee, and be registered by the Zoning Officer within one year of the effective date of the ordinance codified in this Chapter; and
3. Should a Nonconforming use or building not be reported or identified within one year, the owner of the Nonconforming use or structure shall have the right to show by the preponderance of the evidence to the Zoning Officer that the use or building was Nonconforming upon the effective date of the ordinance codified in this Chapter.

§ 27-902. Existing and Nonconforming Lots of Record.

[Ord. 578, 3/9/2015]

1. Any Nonconforming lot, due to its lot area or dimensions, existing as of the effective date of the ordinance codified in this Chapter or created by an amendment to this Chapter may be continued although such lot does not conform to the lot requirements for the district in which it is located;

2. Each lot shall have access to public water and public sewer or an approved on-lot water and wastewater system. Additionally, for those lots utilizing on-lot water, the minimum required isolation distance between well and on-lot wastewater system shall be provided;

3. In any zoning district in which single-family detached dwellings are permitted as primary uses, a single-family detached dwelling and customary accessory uses may be erected on any single Nonconforming Lot of Record, as defined in this Chapter, existing in single and separate ownership and not abutting other lots under the same ownership. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zoning district in which the lot is located; provided, that all other yard requirements and dimensions of the lot shall conform to the regulations for single-family detached dwellings in the Low Density Residential (R1) and Medium Density Residential (R2) Districts. Variances of yard setback requirements may be obtained through an action of the Canton Borough Zoning Hearing Board;

4. If two or more abutting Lots of Record or combinations of abutting lots and portions of Lots of Record held under the same ownership are of record at the time of passage or amendment of this Part, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be considered to be an undivided parcel for the purposes of this Part and no portion of the said parcel shall be used or sold in a manner which diminishes compliance with lot width or area requirements established under this Part, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Part;

5. On a lot in a Commercial (C1) or Industrial (I) District, the Zoning Hearing Board, upon application for a Variance, shall determine the required side yards in accordance with Part **4**, §§ **27-404** and **27-405** of this Chapter; and

6. Where possible, contiguous Nonconforming parcels under common ownership should be combined to create conforming lots.

§ 27-903. Existing Nonconforming Buildings and Structures.

[Ord. 578, 3/9/2015]

1. Alterations and Reconstruction.

   A. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a Nonconforming building or to a building occupied by a Nonconforming use, providing such alterations and repairs are in conformance with the regulations as set forth in this Chapter and other applicable codes and ordinances adopted by the Borough; and

   B. A Nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc., may be rebuilt and used for the same purposes, provided that:

      (1) The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay; and

      (2) The reconstructed building does not exceed in height, area, and volume, the building destroyed.

2. Extensions, Expansions, and Enlargements.

   A. Nonconforming uses or buildings occupied or used for residential or nonresidential purposes which are Nonconforming and otherwise not permitted in the zoning district in which they are located shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful Nonconforming uses and buildings shall be reviewed by the Zoning Officer to determine compliance with the following standards:

      (1) Any extension, expansion or enlargement of a Nonconforming building or use shall be permitted as long as the maximum building coverage is not exceeded;

      (2) Any expansion or enlargement of a Nonconforming building shall not exceed 50% of the total gross floor area of the Nonconforming building from the time it became Nonconforming;

      (3) Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located:

         (a) Extension Along a Nonconforming Setback. If an existing building has a lawfully Nonconforming

building setback, additions may occur to increase the height above such setback or to extend other portions of the building out to the Nonconforming side or rear setback line; provided, that:

1) The structure shall not be extended beyond the existing Nonconforming setback line;

2) No additional nonconformity shall be created;

3) The new Nonconforming extension shall not be greater than 25% of the existing floor area;

4) All other requirements of this Part are met;

5) Such addition shall not be permitted for a nonresidential building that abuts an existing primarily residential use.

(4) All required loading and/or parking spaces for any expansion or enlargement shall comply with the requirements of Part **7** of this Chapter;

(5) Any extension, expansion or enlargement of a Nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the Nonconforming building or use, where such vacant parcels have been separately recorded or acquired prior to the effective date of this Chapter;

(6) Any expansions or extensions of a Nonconforming sign shall comply with all provisions of this Chapter; and

(7) The intensity of a Nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc.) shall not be increased.

3. Partial Destruction.

A. When 50% or more of the existing floor area or volume of a Nonconforming building or structure, or the use of land is destroyed by fire, or by other casualty, or by act of God, the use of such building, structure or land, as a Nonconforming use shall thereafter be terminated except as provided in Subsection **3B** of this Section; and

B. A single-family residence located in any zoning district may reconstruct a single-family residence at the same location when 50% or more of the existing floor area or volume of a Nonconforming building or structure, or the use of land is destroyed by fire, or by other casualty, or by act of God.

§ 27-904. Nonconforming Uses.

[Ord. 578, 3/9/2015]

1. Continuation. Any Nonconforming use existing on the effective date of this Chapter or created by an amendment to this Chapter may be continued although such use does not conform to the provisions of this Chapter. Change of ownership or possession of the use or property shall not prevent the continuance of the Nonconforming use;

2. Extension of the Nonconforming use shall be approved by the Zoning Hearing Board as a Special Exception (SE) subject to the following standards:

A. Extension shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became Nonconforming;

B. The extension of the Nonconforming use shall not replace a conforming use;

C. The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to, lot, building, setback, coverage, buffering, height, parking and sign requirements; and

D. The extension of uses within structures shall not exceed an increase of 25% of the gross floor area occupied by the Nonconforming use at the time of the enactment of this Chapter.

3. Change of Use.

A. Whenever a Nonconforming use has been changed to a conforming use, such use shall not thereafter be

changed to a Nonconforming use;

B. Whenever a Nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of less restricted classification unless in compliance with the rules for such change as outlined by this Part;

C. A Nonconforming use may be changed to another Nonconforming use only by the granting of a Special Exception (SE) by the Zoning Hearing Board in compliance with this Chapter. Where a Special Exception (SE) approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the preexisting Nonconforming use with regard to:

(1) Traffic safety and generation (especially truck traffic);

(2) Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards;

(3) Amount and character of outdoor storage;

(4) Late night and early morning hours of operation if the new use would be close to dwellings; and

(5) Compatibility with the character of surrounding uses.

4. Abandonment and Discontinuance.

A. A Nonconforming use shall be presumed abandoned when operations associated with the Nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one year from the date the activity stopped and the use is not actively advertised for sale or lease. Such Nonconforming use shall not thereafter be reinstated except in conformance with this Chapter. A Nonconforming building or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned;

B. Except for in the Mobile Home Park (MHP) District, the removal of a Nonconforming mobile home from the site it occupied (and if such site is not leased, actively marketed, or purchased within one year or less) shall constitute abandonment of the site, and any occupation or subsequent use of said site shall conform to the provisions of this Chapter;

C. The removal of a mobile home from a residential lot already occupied by a residential building shall constitute abandonment of the Nonconforming use and such use shall not thereafter be permitted. [Exception: Mobile homes utilized for temporary housing for farm employees, oil and natural gas drillers, pipeline employees]; and

D. Mobile Home Parks, trailer camps or trailer parks, which are Nonconforming under the terms of this Chapter, shall be operated in accordance with Public Health Regulations, Commonwealth of Pennsylvania, Department of Environmental Protection, under the provisions of Act 175 of April 9, 1929, P.L. 177, as amended, and all other applicable laws.

§ 27-905. Amortization of Nonconforming Signs.

[Ord. 578, 3/9/2015]

Any sign that legally existed as of the effective date of the ordinance codified in this Chapter that does not comply with the provisions of this Part shall be considered a Nonconforming sign. All Nonconforming signs may continue for a period up to five years from the effective date of this Chapter. After the five year continuance period, all Nonconforming signs shall be removed, reconstructed and/or altered so that they comply with all of the provisions contained within this Part. Any improvements, repairs, reconstructions, or any other alterations made to the Nonconforming sign during the five year continuance period shall not waive the requirements for elimination of the Nonconforming signs at the end of the continuance period. This Section shall not apply to any legally existing Nonconforming billboards.

§ 27-906. Amortization of the Nonconforming Storage of Junk on Residential Properties.

[Ord. 578, 3/9/2015]

Any external storage of junk (as defined in Part **2** of this Chapter) upon a property used as a principal residence that legally existed as of the effective date of the ordinance codified in this Chapter shall be considered Nonconforming. All such storage may continue for a period of up to 12 months from the effective date of the ordinance codified in this Chapter. After the twelve-month period, all such storage shall be removed. Failure to remove such junk shall constitute a zoning violation. Any improvement, repair, reconstruction, or any other alteration made to the area used to store junk during the twelve-month period shall not waive the requirements for elimination of the use.

PART 10. ADMINISTRATION AND ENFORCEMENT

§ 27-1000. Applicability of This Chapter.

[Ord. 578, 3/9/2015]

This Zoning Ordinance shall apply throughout Canton Borough. Any activity regulated by this Chapter shall only occur in such a way that conforms with the regulations of this Chapter.

§ 27-1001. Administration.

[Ord. 578, 3/9/2015]

1. The provisions of this Chapter shall be enforced by an agent, to be appointed by the Canton Borough Council, who shall be known as the Zoning Officer. The Zoning Officer may designate an employee of Canton Borough as his/her Assistant, who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer;

2. The duties of the Zoning Officer shall be:

   A. Administer the Zoning Ordinance in accordance with its literal terms;

   B. To receive, examine and process all applications and permits as provided by the terms of this Chapter. The Zoning Officer shall also issue Zoning Permits for Special Exceptions, Conditional Uses or for Variances after the same have been approved;

   C. To record and file all applications for Zoning Permits or Certificates of Occupancy, and accompanying plans and documents, and keep them for public record;

   D. To inspect properties to determine compliance with all provisions of this Chapter as well as conditions attached to the approval of Variances, Special Exceptions, Conditional Uses and Curative Amendments;

   E. Determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The Zoning Officer shall determine an appropriate duration of time for compliance of the specified activity, not to exceed 30 days. Extensions up to a total of 90 days from the date of receipt of the enforcement notice may be granted at the discretion of the Zoning Officer if applied for in writing;

   F. Upon the request of the Canton Borough Council or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;

   G. To be responsible for keeping this Chapter and the Official Zoning Map up to date, including any amendments thereto;

   H. To revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law;

   I. To review proposed subdivisions and land developments for compliance with this Chapter; and

   J. To take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended.

§ 27-1002. Permits and Certificates.

[Ord. 578, 3/9/2015]

1. A Zoning Permit indicates that a zoning application complies with this Chapter to the best knowledge of the Zoning Officer or his/her designee. No Zoning Permit or Certificate of Use and Occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

   A. A Zoning Permit is required to be issued prior to the start of any of the following activities:

      (1) Erection, construction, movement, placement, razing, demolition, removal, alteration or expansion (vertical or horizontal) of a structure, building or sign;

      (2) Change of the type of use or expansion of the use of a structure or area of land;

      (3) Creation of a new use;

      (4) Demolition of a building;

      (5) Other activities required having a permit by this Chapter;

      (6) The alteration or development of any improvement or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations for underground utilities provided the final grade is not altered;

      (7) The erection or alteration of any signs specified in Part **8** of this Chapter;

      (8) The construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins; and

      (9) No Zoning Permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Chapter;

   B. Canton Borough may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate application for the permits;

   C. The only determination by the Zoning Officer that shall be official shall be a written determination after the Zoning Officer receives a duly submitted written official application;

   D. Such Zoning Permits shall be granted or refused within 90 days from date of application;

   E. No Zoning Permit shall be issued except in conformity with:

      (1) All applicable regulations of this Chapter;

      (2) Any conditions imposed upon the site by the Zoning Hearing Board and/or the Borough Council; and

      (3) Any recorded subdivision or land development plan;

   F. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the Zoning Permit will be denied;

   G. Application for a Zoning Permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making the application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application;

   H. The Zoning Officer may call upon other Borough staff and/or municipal appointed consultants in the review of submitted materials for applications;

I. The Zoning Officer may revoke a permit or approval issued under the provisions of this Chapter in case of any false statement or misrepresentation of fact in the application or on the plans which the permit or approval was based or for any other cause set forth in the Zoning Ordinance;

J. Where a Zoning Permit is required by this Chapter, but the work is commenced or changed prior to obtaining such permit, and after notice by Canton Borough the fees set by ordinance or resolution of the Canton Borough Council for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by Canton Borough resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Chapter or any other applicable Canton Borough ordinances or from any penalties or enforcement actions authorized by this Chapter;

K. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he/she shall reject such application in writing, stating the reasons therefor. He/she shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the Certificate of Use and Occupancy as required in § **27-1003** has been applied for, he/she shall issue a permit therefor as soon as practical but not later than 90 days from receipt of the application;

L. Reconsideration of Application. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the Canton Borough Council;

M. Expiration of Zoning Permit. The permit shall expire after one year from the date of issuance; provided, however, that the same may be extended one time for one additional year, upon written request by the applicant on a form provided by Canton Borough;

N. Compliance with Ordinance. The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Canton Borough Zoning Hearing Board and/or the Borough Council;

O. Compliance with Permit and Plot Plan. All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved Plot Plan;

P. Display of Zoning Permit. All approved Zoning Permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its Certificate of Occupancy; and

Q. Inspections. Inspections of the property in question by the Zoning Officer or other duly appointed official may be required at various intervals during the construction process. By submitting an application for a Zoning Permit, the landowner authorizes Canton Borough Zoning Officer to perform such inspections as required.

§ 27-1003. Certificate of Use and Occupancy.

[Ord. 578, 3/9/2015]

1. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a Zoning Permit is required until a Certificate of Use and Occupancy for such activity has been issued by the Zoning Officer;

2. Canton Borough may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy;

3. The Certificate of Use and Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Chapter, to the best knowledge of the Zoning Officer;

4. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection;

5. Upon request of the applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Zoning Permit has been completed:

   A. However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety;

   B. The temporary Certificate shall establish in writing a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified, at which time a permanent Certificate shall be obtained;

   C. Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Chapter; and

   D. The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

6. The Zoning Officer shall inspect any structure, building, or sign within 10 days upon notification that the proposed work that was listed under a Zoning Permit has been completed. If satisfied and the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the original application. Where a Building Permit is required under the Uniform Construction Code, a Certificate of Use shall not be issued until a final inspection by the Building Code Official is complete and found to be satisfactory.

§ 27-1004. Zoning Permit for Temporary Uses and Structures.

[Ord. 578, 3/9/2015]

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:

   A. Customary, routine and accessory short-term special events, provided that only a well-established nonprofit organization or a permitted place of worship proposing a temporary use demonstrates clearly that the proposed use will primarily serve a charitable, public service or religious purpose in order to be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;

   B. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway; and

   C. Such other activities that the applicant proves are routine, customary and temporary.

2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a six-month maximum period shall apply. A temporary permit may be renewed for just cause.

§ 27-1005. Types of Uses.

[Ord. 578, 3/9/2015]

1. Permitted By Right Uses. The Zoning Officer shall issue a Zoning Permit under this Chapter in response to an application for a use that is "Permitted By Right" if it meets all of the requirements of this Chapter;

2. Special Exception Use. A Zoning Permit under this Chapter for a use requiring a Special Exception Permit shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this Chapter;

3. Conditional Use. A Zoning Permit under this Chapter for a use requiring a Conditional Use Permit shall be issued by the Zoning Officer only in response to a written approval by the Canton Borough Council, following a hearing, and compliance with any conditions by the Canton Borough Council and any conditions required by this Chapter; and

4. Application Requiring a Variance. A permit under this Chapter for a use requiring a Variance shall be issued by

the Zoning Officer only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board.

§ 27-1006. Applications for Zoning Permits.

[Ord. 578, 3/9/2015]

1. Submittal. All applications for a Zoning Permit shall be made in writing on a form provided by Canton Borough. Such completed application, with required fees, shall be submitted to the Canton Borough Zoning Officer or designated employee;

2. Site Plan. The applicant shall submit a minimum of two copies of a site plan with the application, if the application involves a new principal building, expansion of a principal building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:

   A. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and location of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features;

   B. Notes showing the dimensions of all buildings from lot lines and street rights-of-way;

   C. Location of any water courses and any 100-year floodplain;

   D. Proposed lot areas, lot widths and other applicable dimensional requirements; and

   E. Locations and widths of existing and proposed sidewalks;

3. Additional Information. Any application under this Chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Chapter:

   A. Address of the lot;

   B. Name and address of the applicant, and of the owner of the property if different from the applicant;

   C. Description of the proposed use of the property;

   D. All other applicable information listed on the official Canton Borough application form; and

   E. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Chapter;

4. Application for Zoning Permits for Uses in all Commercial and Industrial Zones (excluding demolition permits) shall include the following:

   A. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of 200 feet from all tract boundaries;

   B. A Plot Plan certified by a professional surveyor or engineer of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features;

   C. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;

   D. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Bradford County which have been contracted to dispose of the materials used and wastes generated on site. The Zoning Permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer, and shall provide additional evidence demonstrating continued compliance with the requirements of this Section;

E. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation;

F. Designation of the manner by which sanitary sewage and stormwater shall be disposed and water supply obtained;

G. The proposed number of shifts to be worked and the maximum number of employees on each shift;

H. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees; and

I. Submission, approval and recordation of a Subdivision or Land Development plan, as required;

5. Areas Subject to Flooding. If the proposed development, excavation or construction is located within an area subject to regulation by the Canton Borough Floodplain Ordinance, the following information is specifically required to accompany all applications, as prepared by a licensed professional:

A. The accurate location and elevation of the floodplain and floodway;

B. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;

C. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated; and

D. Where floodproofing is proposed to be utilized for a particular structure, the Zoning Permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet all applicable codes and ordinances;

6. Uniform Construction Code. Where the proposed use is regulated under the Uniform Construction Code, the applicant shall submit an application of building permit concurrently with the Zoning Permit. A Zoning Permit will not be issued until satisfactorily meeting the requirements of the Uniform Construction Code;

7. Submittals for Special Exception. In addition to the information listed above, an application for a Special Exception requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is not necessary to determine compliance with this Chapter:

A. Present zoning district and major applicable lot requirements;

B. For nonresidential use:

(1) Description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards; and

(2) Maximum hours of operation.

C. Existing directions of stormwater flow (and any proposed revisions) and any proposed methods of stormwater management;

D. Listing of any sections of this Chapter from which a Variance is being requested;

E. Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single-family detached dwelling");

F. Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting;

G. Name and address of person who prepared the site plan;

H. Signed acknowledgment of the site plan by the applicant; and

I. Such additional information required under applicable sections of this Chapter.

§ 27-1007. Issuance of Permits.

[Ord. 578, 3/9/2015]

1. At least one copy of each Zoning Permit application and any other zoning approvals shall be retained in Canton Borough files; and

2. PENNDOT HOP Permit. Where necessary for access onto a State road, a Canton Borough Zoning or Building Permit shall be automatically conditioned upon issuance of a PENNDOT Highway Occupancy Permit.

§ 27-1008. Revocation of Permits - Appeal of Permit or Approval.

[Ord. 578, 3/9/2015]

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Chapter in the case of one or more of the following:

   A. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties);

   B. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a Special Exception Use or a Variance;

   C. Any work being accomplished or use of land or structures in such a way that does not comply with this Chapter or an approved site plan or approved permit application; and

   D. Any other just cause set forth in this Chapter.

2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions made under this Chapter within the provisions of the Pennsylvania Municipalities Planning Code (MPC). Such appeal shall occur within the time period established by the MPC.

§ 27-1009. Compliance with Bradford County Subdivision and Land Development Ordinance.

[Ord. 578, 3/9/2015]

1. If an application under this Chapter would also be regulated by the Bradford County Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the Bradford County SALDO:

   A. For example, if an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the Bradford County Register and Recorder of Deeds.

§ 27-1010. General Procedure for Permits.

[Ord. 578, 3/9/2015]

1. After receiving a proper application, the Zoning Officer shall either (1) issue the applicable permit(s) or (2) deny the application(s) as submitted, indicating one or more reasons in writing to the applicant; and

2. After the permit under this Chapter has been issued, the applicant may undertake the action specified in the permit, in compliance with other Canton Borough Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty-day appeal period shall be at the risk of the applicant.

§ 27-1011. Interpretation of Uses not Regulated.

[Ord. 578, 3/9/2015]

1. Minimum Requirements. Where more than one provision of this Chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Chapter are in addition to any other applicable Canton Borough Ordinance;

2. Uses Not Specifically Regulated. If a use clearly is not Permitted By Right, Conditional Use or Special Exception Use by this Chapter within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception Use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

   A. Proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the Zoning District;

   B. Proposed use would be closely similar in impacts and character to uses permitted in that Zoning District;

   C. Use would meet the standards that would apply under § **27-1016**, Subsection **5C(1)** through **(4)**, for a Special Exception Use and § **27-1017** for a Conditional Use; and

   D. Use is not specifically prohibited in that Zoning District;

3. Interpretation of Ordinance Text and Boundaries.

   A. The Zoning Officer shall literally apply the wording of this Chapter and the location of all Zoning District boundaries to applications. In any case, the Zoning Officer may also request an advisory opinion from the Canton Borough Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination; and

   B. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board.

§ 27-1012. Interpretation of Zoning Boundaries.

[Ord. 578, 3/9/2015]

1. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map:

   A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, creeks, railroads and lot lines (according to official County records) as they existed at the time of the adoption of this Chapter, unless such District boundary lines are fixed by dimensions as shown on the Official Zoning Map;

   B. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise;

   C. The location of a District boundary that divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions; and

   D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

§ 27-1013. Enforcement, Violations and Penalties.

[Ord. 578, 3/9/2015]

1. All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Chapter by reference.

   A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Chapter:

(1) Failure to secure a Zoning Permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof;

(2) Placement of false statements on or omitting relevant information from an application for a Zoning Permit;

(3) Undertaking any action in a manner that does not comply with an approved Zoning Permit; and

(4) Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a Variance, Special Exception, the Borough Council granting a Conditional Use or other approval.

B. Causes of Action, Enforcement and Remedies.

(1) Enforcement. If it appears to Canton Borough that a violation of this Zoning Ordinance has occurred, Canton Borough shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance;

(2) Enforcement Notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state the following, at minimum:

(a) The name of the owner of record and any other person against whom the municipality intends to take action;

(b) The location of the property in violation;

(c) The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Zoning Ordinance;

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;

(e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Chapter; and

(f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described;

(3) Evidence and Fees. In any appeal of an enforcement notice to the Zoning Hearing Board, Canton Borough shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to an appeal to an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by Canton Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor;

(4) Cause of Action. If the enforcement notice is not complied with within the specified time period, the Zoning Officer shall notify the Canton Borough Council. With the consent of the Canton Borough Council, the Canton Borough Solicitor or other officer of Canton Borough may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping of land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation; and

(5) Violations and Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by Canton Borough, pay a judgment of not more than $500 plus all court costs, including the reasonable attorney's fees incurred by Canton Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Canton Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of the determination by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's

fees collected for the violation of this Chapter shall be paid over to Canton Borough. Imprisonment shall not be authorized by this Chapter.

§ 27-1014. Fees.

[Ord. 578, 3/9/2015]

1. Determination. The Canton Borough Council will, by Resolution, establish fees for the administration of this Chapter. All fees shall be determined by a schedule that is made available to the general public. The Canton Borough Council may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter and may be adopted at any public meeting of the Canton Borough Council.

§ 27-1015. Amendments.

[Ord. 578, 3/9/2015]

1. Power of Amendment. The Canton Borough Council may from time to time, amend, supplement, change or repeal this Chapter including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Canton Borough Planning Commission, the Canton Borough Council or by a petition to the Canton Borough Council by an interested party;

2. Hearing and Enactment Procedures for Zoning Amendments.

   A. Public Hearing. Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Canton Borough Council shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comment. Such public hearing shall be conducted after public notice (as defined in this Section and listed below) has been given;

   B. Public Notice. Before conducting a public hearing, the Canton Borough Council shall provide public notice as follows:

      (1) Notice shall be published once each week for two successive weeks in a newspaper of general circulation in Canton Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing. Publication of the proposed amendment shall include either the full text thereof or the title and brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail;

      (2)

         (a) For Zoning Map amendments, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time, municipality, location of the hearing;

         (b) In addition to the requirement that notice be posted on the subject property, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by Canton Borough at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of Canton Borough. The notice shall include the location, date and time of the public hearing. The provisions of this Section shall not apply when the rezoning constitutes a comprehensive rezoning;

      (3) For Curative Amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public; and

      (4) 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 Canton Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

C. Enactment Notice. In addition to the public notice requirements defined in Subsection **2B** of this Section, the Canton Borough Council must publish a reference to the time and place of the meeting at which passage of the Ordinance or amendment will be considered, and a reference to a place within Canton Borough where copies of the proposed Ordinance or amendment may be examined without charge, or obtained for a charge not greater than the cost thereof. Enactment notice shall be published at least once in one newspaper of general circulation in Canton Borough not more than 60 days nor less than seven days prior to passage. The published content of the enactment notice shall be the same as that required for public notice described in the preceding subsection;

D. Canton Borough Planning Commission Referrals. For amendments proposed by parties other than the Canton Borough Planning Commission, the Canton Borough Council shall submit each amendment at least 30 days prior to public hearing to the Canton Borough Planning Commission for review and comment. The Canton Borough Planning Commission shall submit a report of its review, together with any recommendations, to the Canton Borough Council within 45 days from the date of said referral. The recommendation of the Canton Borough Planning Commission may include a specific statement as to whether or not the proposed amendment is in accordance with the intent of this Chapter and the officially adopted 2003-2005 Joint Community Comprehensive Plan for the Granville Township, Canton Borough and Canton Township, of which Canton Borough is part thereof. The Canton Borough Council cannot act upon the amendment until it has received a recommendation from the Canton Borough Planning Commission; however, should the Canton Borough Planning Commission fail to submit its recommendation within 45 days, the Canton Borough Council may proceed without its recommendation;

E. County Planning Commission Referrals. All proposed amendments shall be submitted to the Bradford County Planning Commission at least 30 days prior to public hearing on such amendments. The Bradford County Planning Commission may submit recommendations to the Canton Borough Council within 45 days of such referral. The Canton Borough Council cannot act upon the amendment until it has received a recommendation from the Bradford County Planning Commission; however, should the Bradford County Planning Commission fail to submit its recommendation within 45 days, the Canton Borough Council may proceed without its recommendation;

F. Adjournment of Public Hearing. If during the public hearing process, the Canton Borough Council needs additional time to understand the proposal, inform the public, receive public comment, and/or render a decision, it may adjourn the public hearing to a specific time and place; and

G. Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Bradford County Planning Commission;

3. Amendment Initiated by the Canton Borough Planning Commission. When an amendment, supplement, change or repeal is initiated by the Canton Borough Planning Commission, the proposal shall be presented to the Canton Borough Council which shall then proceed in the same manner as with a petition to the Canton Borough Council which has already been reviewed by the Canton Borough Planning Commission;

4. Amendment Initiated by the Canton Borough Council. When an amendment, supplement, change or repeal is initiated by the Canton Borough Council, such amendment, supplement, change or repeal shall follow the procedure prescribed for a petition under this Section;

5. Amendment Initiated by a Petition from an Interested Party. A petition for amendment, supplement, change or repeal for a portion of this Chapter shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting the truth and correctness of all the facts and information presented in the petition. A fee to be established by Canton Borough Council shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed in this Section. The Canton Borough Council may require duplicate sets of petition materials;

6. Curative Amendment by a Landowner. A landowner, who desires to challenge on substantive grounds the validity of this Chapter or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the Canton Borough Council, including all of the reasons supporting the request to be considered, with a written request that his challenge and proposed amendment be heard and decided as provided in the PA Municipalities Planning Code, as amended. The Canton Borough Council shall commence a hearing thereon within 60 days of the request. The Curative Amendment shall be referred to the Canton Borough Planning Commission as provided for in Subsection **2D** of this section and the Bradford County Planning Commission as provided for in Subsection **2E** of this section, and public notice of the hearing shall be provided as defined in this Section:

A. In reviewing the Curative Amendment, the Canton Borough Council may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Canton Borough Council shall consider the Curative Amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Map;

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;

B. The Canton Borough Council shall render its decision within 45 days after the conclusion of the last hearing;

C. If the Canton Borough Council fail to act on the landowner's request within the time limits referred to above, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;

D. Public notice of the hearing shall include notice that the validity of the Ordinance or Zoning Map is in question and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public;

E. The challenge shall be deemed denied when:

(1) The Canton Borough Council fails to commence the hearing within 60 days;

(2) The Canton Borough Council notified the landowner that it will not adopt the Curative Amendment;

(3) The Canton Borough Council adopts another Curative Amendment which is unacceptable to the landowner; or

(4) The Canton Borough Council fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality;

F. Where Curative Amendment proposal is approved by the grant of a Curative Amendment application by the Canton Borough Council pursuant to this Section or a validity challenge is sustained by the Zoning Hearing Board or the court acts finally on appeal from denial of a Curative Amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for Subdivision or Land Development, the developer shall have two years from the date of such approval for a Subdivision, Land Development or Planned Residential Development. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the Curative Amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of the PA Municipalities Planning Code shall apply; and

G. Where the proposal appended to the Curative Amendment application or the validity challenge is approved but does not require further application under any Subdivision or Land Development Ordinance, the developer shall have one year within which to file for a Zoning Permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of applicant as granted in the Curative Amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purposes of awarding such supplemental relief as may be necessary;

7. Curative Amendment by the Canton Borough Council.

A. The Canton Borough Council, by formal action, may declare this Chapter or portions thereof substantively

invalid and propose to prepare a Curative Amendment to overcome such invalidity. Within 30 days following such declaration proposal, the Canton Borough Council shall:

(1) By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof, which may include:

(a) References to specific uses that are either not permitted or not permitted in sufficient quantity;

(b) References to a class of use or uses which require revision; or

(c) References to the entire Ordinance, which requires revisions.

(2) Begin to prepare and consider a Curative Amendment to the Ordinance to correct the declared invalidity.

B. Within 180 days from the date of the declaration and proposal, the Canton Borough Council shall enact a Curative Amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions required by the PA Municipalities Planning Code in order to cure the declared invalidity of the Ordinance;

C. Upon the date of the declaration and proposal, the Canton Borough Council shall not be required to entertain or consider any Curative Amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance subsequent to the declaration and proposal, based upon the grounds identical to or substantially similar to those specified in the resolution required by this Section. Upon the enactment of a Curative Amendment to, or the reaffirmation of the validity of this Chapter, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Canton Borough Council propose to prepare a Curative Amendment; and

D. The Canton Borough Council, having utilized the procedures as set forth in this Section, may not again utilize said procedures for a thirty-six-month period following the date of the enactment of a Curative Amendment, or reaffirmation of the validity of the Ordinance; provided, however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon Canton Borough by virtue of a decision by any Court of competent jurisdiction, the Canton Borough Council may utilize the provisions of this Section to prepare a Curative Amendment to the Ordinance to fulfill this duty or obligation.

8. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Canton Borough Secretary and shall thereafter be refiled as part of the permanent records of Canton Borough.

§ 27-1016. Zoning Hearing Board.

[Ord. 578, 3/9/2015]

1. Establishment and Membership. There shall be a Zoning Hearing Board, upon determination of the governing body, which shall consist of either three or five members, who shall be appointed by resolution by the Canton Borough Council. The membership of the Zoning Hearing Board shall consist of residents of Canton Borough. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify Canton Borough of any vacancies which occur. Appointments to fill vacancies shall hold no other office in Canton Borough. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Canton Borough Council taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. The Canton Borough Council may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this Section, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in Canton Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding

or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated, unless designated as a voting alternate member pursuant to this Part;

2. Organization of Zoning Hearing Board. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Section 908(2) of the PA Municipalities Planning Code. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of Canton Borough and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of Canton Borough, and shall submit a report of its activities to the Canton Borough Council upon request;

3. Expenditures for Services. Within the limits of funds appropriated by the Canton Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Canton Borough Council. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Canton Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 907 of the PA Municipalities Planning Code, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Canton Borough Council;

4. Hearings.

   A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

      (1) Public notice (as defined in § **27-1015**, Subsection **2B)** shall be provided. In addition, the Zoning Hearing Board shall notify by mail the Zoning Officer, Canton Borough Secretary, each member of the Canton Borough Council, Secretary of the Planning Commission, and every other person or organization who shall have registered with the Zoning Hearing Board for the purposes of receiving such notices. Such mailed notices shall state the location of the site and the nature of the request. It shall also state the time, date, and location of the proposed hearing. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;

      (2) The Canton Borough Council may prescribe reasonable fees with respect to hearing before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs; and

      (3) The first hearing before the Zoning Hearing Board or Hearing Officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of its case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven hours of hearing within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete its case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal;

B. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to Canton Borough, may, prior to the decision of the hearing, waive decisions or findings by the Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final;

C. The parties to the hearing shall be Canton Borough, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose;

D. The Chairman or Acting Chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties;

E. The parties shall have the right to be represented by council and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, and unduly repetitious evidence may be excluded;

G. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or Hearing Officer; or shall be paid by the person appealing the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof;

H. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;

I. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by the findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the Hearing Officer. Except for challenges filed under Article IX of the PA MPC, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Subsection **4** of this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection **4** of this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal; and

J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined;

K. Effect of Zoning Hearing Board's Decision.

(1) If the Variance or Special Exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two years after the date when the Variance or Special Exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines;

(2) Should the appellant or applicant fail to obtain the necessary permits within said two-year period, or having obtained the permit, should he fail to commence work hereunder within such two-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, Variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board;

(3) Should the appellant or applicant commence construction or alteration within said two-year period, but should he fail to complete such construction or alteration within said three-year period, the Zoning Hearing Board may, upon 10 days' notice in writing, rescind or revoke the granted Variance or Special Exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three-year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the Variance, permit or action, that revocation or rescission of the action is justified; and

(4) As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Zoning Hearing Board must establish and bind a definite time frame for (1) issuance of a Zoning Permit, and (2) completion of construction of the project;

5. Zoning Hearing Board's Functions. The Zoning Hearing Board shall have the exclusive jurisdiction to hear and render decisions in the following matters:

A. Substantive Challenges to the Validity of the Zoning Ordinance except those brought before the Canton Borough Council pursuant to Section 916.1(a)(2) of the PA MPC:

(1) If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:

(a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

(b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Zoning Map;

(c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources and other natural features;

(d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and nature features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

(e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

(2) Public notice of the hearing shall be provided as specified in Subsection **4** of this Section;

(3) The Zoning Hearing Board shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time; and

(4) The Zoning Hearing Board shall render its decision within 45 days after the conclusion of the last hearing. If the Board fails to act on the landowner's request within this time limit a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing;

B. Substantive Challenges to the Validity of the Zoning Ordinance, raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the Ordinance;

C. Special Exceptions as provided for in this Chapter and subject to all applicable requirements, including, but not limited to:

(1) Filing Requirements. In addition to the required Zoning Permit information, each Special Exception application shall include the following:

(a) Ground floor plans and elevations of proposed structures;

(b) Names and address of adjoining property owners including properties directly across a public right-of-way;

(c) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter; and

(d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.

(2) General Criteria. Each applicant must demonstrate compliance with the following:

(a) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;

(b) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;

(c) The proposed use will not substantially change the character of the subject property's neighborhood;

(d) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);

(e) The proposed use complies with the Canton Borough Floodplain Ordinance;

(f) The proposed use shall comply with those criteria specifically listed in Part **3** of this Chapter. In addition, the proposed use must comply with all other applicable regulations contained in this Chapter; and

(g) The proposed use will not substantially impair the integrity of the 2003-2005 Joint Community Comprehensive Plan for the Granville Township, Canton Borough and Canton Township;

(3) Conditions. The Zoning Hearing Board in approving Special Exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions that are more restrictive than those established for other uses in the same zone. The conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter; and

(4) Site Plan Approval. Any site plan presented in support of the Special Exception pursuant to Subsection **5C** of this Section shall become an official part of the record for said Special Exception. Approval of any Special Exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a Zoning Permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another Special Exception Approval;

D. Variances. The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a Variance; provided, that all of the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to

the particular property and the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or zone in which the property is located;

(2) That because of such physical circumstances or conditions, there is not a possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a Variance is therefore necessary to enable reasonable use of the property;

(3) That such unnecessary hardship has not been created by the appellant;

(4) That the Variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

(5) That the Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulations in issue;

(6) The proposed use complied with the Canton Borough Floodplain Ordinance;

(7) In granting any Variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter;

(8) Filing Requirements. In addition to the required Zoning Permit each Variance application shall include the following:

(a) Ground floor plans and elevations of existing and/or proposed structures;

(b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way;

(c) A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter; and

(d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter;

(9) Conditions. The Zoning Hearing Board in approving Variance applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions will constitute a violation of this Chapter; and

(10) Site Plan Approval. Any site plan presented in support of a Variance shall become an official part of the record for said Variance. Approval of any Variance will also bind the use in accordance with the submitted site plan;

E. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application; therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot;

F. Appeals from the Zoning Officer's determination under Section 916.2 (and any subsequent amendments) of the PA Municipalities Planning Code; and

G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use Ordinance with reference to sedimentation and erosion control, and/or stormwater management for applications not involving a Subdivision/Land Development, nor a Planned Residential Development as regulated in Article V - Subdivision and Land Development and Article VII - Planned Residential Development of the PA Municipalities Planning Code;

6. Parties Appellant before the Zoning Hearing Board. Appeals under Subsection **5D(4)**, **(5)**, **(6)**, **(7)** and **(8)** of this Section and proceedings to challenge this Chapter under Subsection **5** of this Section may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of Canton Borough, or any person aggrieved. Requests for a Variance or a Special Exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Any appeal shall state:

A. The name and address of the appellant and applicant;

B. The name and address of the landowner of the real estate to be affected;

C. A brief description and location of the real estate to be affected by such proposed change together with a Plot Plan drawn to scale with sufficient clarity to show the nature and character of the request;

D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and

E. A statement of the Section of this Chapter under which the request may be allowed, and reasons why it should, or should not be granted;

7. Time Limitations. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer a challenge to the validity of this Chapter or the Official Zoning Map pursuant to Section 916.2 of the PA Municipalities Planning Code, as amended, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative preliminary approval;

8. Stay of Proceeding.

A. Upon filing of any proceeding referred to in Subsection **6** of this Section and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action hereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Office or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by person other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such person to post bond as a condition to continuing the proceedings before the Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory; and

B. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellant court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner;

9. Appeal. Any person or taxpayer of Canton Borough aggrieved by any decision of the Zoning Hearing Board may, within 30 days after such decision of the Zoning Hearing Board, seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and the PA Municipalities Planning Code as amended.

§ 27-1017. Conditional Uses.

[Ord. 578, 3/9/2015]

1. Filing of Conditional Use. For any use permitted by Conditional Use, a Conditional Use must be obtained from

the Canton Borough Council. In addition to the information required on the Zoning Permit application, the Conditional Use application must show:

A. Ground floor plans and elevations of proposed structures;

B. Names and addresses of adjoining property owners including properties directly across a public right-of-way; and

C. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter;

2. General Criteria. Each applicant must demonstrate compliance with the following:

A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;

B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;

C. The proposed use will not affect a change in the character of the subject property's neighborhood;

D. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);

E. The proposed use complies with the Canton Borough Floodplain Ordinance;

F. The proposed use shall comply with those criteria specifically listed in Part **5** of this Chapter. In addition, the proposed use must comply with all other applicable regulations of this Chapter; and

G. The proposed use will not substantially impair the integrity of the 2003-2005 Joint Community Comprehensive Plan for the Granville Township, Canton Borough and Canton Township;

3. Conditions. The Canton Borough Council in approving Conditional Use applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter;

4. Site Plan Approval. Any site plan presented in support of the Conditional Use shall become an official part of the record for said Conditional Use. Approval of any Conditional Use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a Zoning Permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another Conditional Use approval;

5. Hearing Procedures.

A. Before voting on the approval of a Conditional Use, the Canton Borough Council shall hold a public hearing thereon, pursuant to public notice. The Canton Borough Council shall submit each such application to the Canton Borough Planning Commission at least 30 days prior to the hearing held upon an application to provide the Canton Borough Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application;

B. Public notice as defined in § **27-1015**, Subsection **2B**, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Council shall designate by Ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provisions, by rules of the Canton Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing;

C. The Canton Borough Council may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs;

D. The parties to the hearing shall be Canton Borough, any person affected by the application who has made timely appearance of record before the Canton Borough Council, and any other person, including civic or community organizations, permitted to appear by the Canton Borough Council. The Canton Borough

Council shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Canton Borough Council for that purpose;

E. The Chairman or Acting Chairman of the Canton Borough Council shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties;

F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues;

G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded;

H. The Canton Borough Council may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Canton Borough Council. The cost of the original transcript shall be paid by the Canton Borough Council if the transcript is ordered by the Canton Borough Council; or shall be paid by the person appealing the decision of the Canton Borough Council if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof;

I. The Canton Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present;

J. The hearing shall be conducted by the Canton Borough Council or the Canton Borough Council may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where there is no decision, the findings shall be made by the Canton Borough Council. However, the appellant or the applicant, as the case may be, in addition to Canton Borough, may, prior to the decision of the hearing, waive decision or findings by the Canton Borough Council and accept the decision or findings of the Hearing Officer as final;

K. The Canton Borough Council shall render a written decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after the last hearing before the Canton Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found;

L. Where the Canton Borough Council fails to render the decision within the period required by this Part or fails to commence, conduct or complete the required hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record of an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Canton Borough Council to meet or render a decision as hereinabove provided, the Canton Borough Council shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Part. If the Canton Borough Council shall fail to provide such notice, the applicant may do so; and

M. Unless otherwise specified by the Canton Borough Council at the time of the Conditional Use action, the Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building or Zoning Permit or comply with the conditions of said authorization within six months from the date of authorization.

Appendix A. Annexation of Territory

§ A-101. Annexation of Territory.

(Reserved)

Appendix B. Bond Issues and Loans

§ B-101. Bond Issues and Loans.

Ordinance or Resolution	Date	Description
37	5/15/1902	Increasing the indebtedness of the Borough to an amount in the aggregate not exceeding 2% upon the assessed values of the taxable property therein and providing for the issue and sale of bonds and the assessing of an annual tax for the payment of principal and interest
83	4/10/1919	Increasing the indebtedness of the Borough to an amount in the aggregate not exceeding 2% upon the assessed valuation of the taxable property therein and providing for the issue and sale of bonds and the assessment of an annual tax for the payment of principal and interest
94	6/3/1920	Increasing the indebtedness of the Borough to an amount not exceeding in the aggregate 2% upon the assessed valuation of the taxable property therein and providing for the issue and sale of bonds and the assessment of an annual tax for the payment of principal and interest
124	2/5/1930	Increasing the indebtedness of the Borough by the amount of $8,000 for the purpose of purchasing fire apparatus
127	7/3/1930	Increasing the indebtedness of the Borough by making a loan of $8,000 for the purpose of purchasing and paying for fire apparatus and equipment
141	7/31/1935	Increasing the indebtedness of the Borough to $25,000 for the purpose of taking up $6,000 of pumper bonds; providing $14,000 to pay current indebtedness and $5,000 for improvement of dirt streets
142	9/24/1935	Increasing the indebtedness of the Borough by making a loan of $25,000 for the purpose of refunding pumper bonds, $6,000; paying current indebtedness, $14,000 and providing $5,000 for the improvement of dirt streets
143	10/23/1935	Increasing the indebtedness of the Borough by making a loan of $23,000 for the purpose of refunding pumper bonds, $4,500; paying Councilmanic floating indebtedness, $13,750 and for the improvement of dirt streets, $4,750
218	4/8/1959	Increasing the indebtedness of the Borough by making a loan of $28,000 for the purpose of purchasing the Canton Borough War Memorial Swimming Pool and all lots of land appurtenant thereto
219	4/8/1959	Increasing the indebtedness of the Borough in the amount of $28,000 for the purpose of providing funds for the acquisition of the Canton War Memorial Swimming Pool and all lots of land appurtenant thereto
284	7/9/1973	Authorizing the awarding of a note for $15,860 to First National Bank of Canton for money needed to construct the bridge on West Union Street
347	12/3/1979	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $95,000 for sundry purposes
6/13/1994		Increasing the indebtedness of the Borough in the amount of $24,000 for the purpose of refinancing an existing obligation at a lower interest rate
457	7/10/1995	Increasing the indebtedness of the Borough in the amount of $80,000 for the purchase of a fire truck
464	11/11/1996	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $61,450 for sundry purposes

Ordinance or Resolution	Date	Description
480	5/8/2000	Increasing the indebtedness of the Borough by issuing three general obligation notes in the sum amount of $150,000 for sundry purposes
489	2/12/2001	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $200,000 for the purchase of a 2000 E-1 model fire truck
492	7/9/2001	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $310,000 for the purchase of a 1998 American LaFrance Aerial truck
494	9/10/2001	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $310,000 for the purchase of a 1998 American LaFrance Aerial truck
495	10/29/2001	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $99,999 for the refinancing of an existing debt at a lower interest rate
498	12/10/2001	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $99,999 for the refinancing of an existing debt at a lower interest rate
499	12/10/2001	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $310,000 for the purchase of a 1998 American LaFrance Aerial truck
501	2/11/2002	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $310,000 for the purchase of a 1998 American LaFrance Aerial truck
504	8/12/2002	Increasing the indebtedness of the Borough by issuing a general obligation note in the amount of $150,000 for the refinancing of an existing debt at a lower interest rate
517	6/28/2004	Determining to incur debt in the principal amount of $725,000; determining that such debt shall be incurred as lease rental debt to be evidenced by a guaranteed water and sewer revenue note, series of 2004
530	5/8/2006	Approving a capital project to be undertaken by the Canton Borough Authority; approving the financing of the costs of the project and the acceptance of a funding offer and proposal for the purchase of the authority's guaranteed sewer revenue bond, series a of 2006
544	6/16/2008	Approving a capital project undertaken by the Canton Borough Authority; approving the financing of the costs of the project and the acceptance of a funding offer and proposal for the purchase of the Authority's Guaranteed Water Revenue Bonds, Series of 2008, for the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture
563	9/12/2011	Increasing the indebtedness of the Borough of Canton, by the issue of a general obligation note in the amount of $200,000 for sundry purposes
564	9/12/2011	Increasing the indebtedness of the Borough of Canton, by the issue of a general obligation note in the amount of $49,452.36 for sundry purposes
573	9/8/2014	Determining to incur lease rental debt; evidenced by the guaranteed revenue note in the maximum principal amount of $4,969,765.25, to be authorized and issued by the Canton Borough Authority in connection with the construction, alteration and improvements to the public wastewater treatment plant facilities in and about this Borough and paying related costs, fees and expenses

Ordinance or Resolution	Date	Description
581	8/10/2015	Incurring "lease rental debt," as defined in the Pennsylvania Local Government unit debt act, in the maximum principal amount of $8,291,557.25, evidenced by its guaranty of 93.44% of the payments due under a debt obligation to be issued by Canton Borough authority to the Pennsylvania Infrastructure Investment Authority (Pennvest), to construct improvements to the public sanitary sewer system facilities of the authority, and pay related expenses; authorizing a guaranty agreement, by and among this borough, severally (not jointly), as guarantor, the authority, and Pennvest, as lender, securing said portion of the debt obligation; pledging the full faith, credit, and taxing power of this Borough in support of its guaranty; appointing a sinking fund depository in connection with such guaranty; and authorizing related actions and documents
593	8/12/2019	An Ordinance Increasing the Indebtedness of the Borough of Canton, Bradford County, Pennsylvania, By the Issue of a General Obligation Note in the Amount of $143, 247 for Sundry Purposes; Fixing the Form, Number, Date, Interest and Maturity Thereof; Making a Covenant for the Payment of the Debt Service on the Note; Providing for the Filing of the Required Document; Providing for the Appointment of a Sinking Fund Depository for the Note; and Authorizing Execution, Sale and Delivery Thereof
598	9/14/2021	An Ordinance Increasing the Indebtedness of the Borough of Canton, Bradford County, Pennsylvania, By the Issue of a General Obligation Note in the Amount of $164,000 for Sundry Purposes; Fixing the Form, Number, Date, Interest and Maturity Thereof; Making a Covenant for the Payment of the Debt Service on the Note; Providing for the Filing of the Required Document; Providing for the Appointment of a Sinking Fund Depository for the Note; and Authorizing Execution, Sale and Delivery Thereof

Appendix C. Franchises and Services

§ C-101. Franchises and Services.

Ordinance or Resolution	Date	Description
14	7/18/1895	Granting to the American Telegraph and Telephone Company of Pennsylvania the right to construct, operate and maintain its lines within the Borough
15	6/14/1895	Granting permission to the Towanda Traction Company to construct its railway over certain streets of the Borough and to operate the same with electricity
46	12/23/1903	Granting a franchise to Canton and Leroy Farmers' Mutual Telephone Company to construct and maintain equipment within the Borough
129	11/28/1930	Authorizing the North Penn Gas Company to construct, maintain and operate its equipment within the Borough
162	2/6/1941	Executing a contract with the Northern Pennsylvania Power Company for the furnishing of electric street lighting service in the Borough
196	3/9/1955	Executing a contract with the Northern Pennsylvania Power Company for the furnishing of electric street lighting service in the Borough

Ordinance or Resolution	Date	Description
201	10/10/1956	Granting the Canton and Leroy Farmers Telephone Company the right to operate and maintain equipment within the Borough
215	11/5/1958	Executing a contract with the Pennsylvania Electric Company for the furnishing of electric street lighting service in the Borough
249	2/10/1969	Executing a contract with the Pennsylvania Electric Company for the furnishing of electric lighting service in the Borough

Appendix D. Governmental and Intergovernmental Affairs

§ D-101. Governmental and Intergovernmental Affairs.

Ordinance or Resolution	Date	Description
156	1/6/1943	Providing for a new ordinance book to take the place of the Ordinance Book which was destroyed on November 19, 1942
182	11/16/1953	Authorizing participation in the Old Age and Survivors Insurance System under the Social Security Act of the United States
295	8/26/1974	Authorizing an election to be held on the question whether a government study commission of seven member be elected to study the Charter and Plan of the Borough
307	12/8/1975	Establishing that the offices of Borough Secretary and Borough Treasurer may be held by the same person
340	12/4/1978	Providing fair housing to the citizens of the Borough and to further guarantee protection of citizens' rights
349	12/17/1979	Appointing an earned income tax officer and fixing compensation
359	12/1/1980	Appointing an earned income tax officer and fixing compensation
362	7/6/1981	Authorizing the Borough to join with other local government units as a settlor of the Pennsylvania Local Government Investment Trust for the purpose of purchasing shares of the Trust
368	12/21/1981	Appointing an earned income tax officer and fixing compensation
374	12/20/1982	Appointing an earned income tax officer and fixing compensation
378	12/20/1983	Appointing an earned income tax officer and fixing compensation
380	12/17/1984	Appointing an earned income tax officer and fixing compensation
385	12/2/1985	Appointing an earned income tax officer and fixing compensation
393	12/8/1986	Appointing an earned income tax officer and fixing compensation
400	7/13/1987	Establishing a minimum fee for any permits issued by the Borough
405	12/14/1987	Appointing an earned income tax officer and fixing compensation
416	12/12/1988	Appointing an earned income tax officer and fixing compensation
427	12/11/1989	Appointing an earned income tax officer and fixing compensation
433	12/10/1990	Appointing an earned income tax officer and fixing compensation
439	12/9/1991	Appointing an earned income tax officer and fixing compensation
443	12/14/1992	Appointing an earned income tax officer and fixing compensation
447	12/13/1993	Appointing an earned income tax officer and fixing compensation
452	12/12/1994	Appointing an earned income tax officer and fixing compensation
461	12/11/1995	Appointing an earned income tax officer and fixing compensation
462	1/11/1996	Adopting an agreement between the Borough of Canton and the Canton Area School District for the performance of law enforcement services

Ordinance or Resolution	Date	Description
466	12/9/1996	Appointing an earned income tax officer and fixing compensation
468	12/29/1997	Appointing an earned income tax officer and fixing compensation
472	12/14/1998	Appointing an earned income tax officer and fixing compensation
478	12/13/1999	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
486	12/11/2000	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
497	12/10/2001	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
500	2/11/2002	Authorizing the formation of a multi-municipal planning committee and the preparation of multi-municipal comprehensive plan of and for the Township of Canton, Township of Granville, Borough of Alba and Borough of Canton
503	7/8/2002	Authorizing the formation of a multi-municipal planning committee and the preparation of multi-municipal comprehensive plan of and for the Township of Canton, Township of Granville and Borough of Canton
507	11/12/2002	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
514	12/8/2003	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
522	12/13/2004	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
524	6/13/2005	Appointing an Independent auditor for the audit of the accounts
526	12/12/2005	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
532	12/11/2006	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
541	12/10/2007	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
546	12/8/2008	Appointing Thomas P. Davison as earned income tax officer and fixing compensation
552	12/15/2009	Changing of names of certain streets located within the Borough in accordance with the Bradford County 911 Emergency Communications System and adopting the Bradford County Street Naming and Addressing Policy[1]

[1] *Editor's Note: The streets for which names were changed by this ordinance may be found in Appendix H.*

Appendix E. Plan Approval

§ E-101. Plan Approval.

Ordinance or Resolution	Date	Description
106	8/6/1926	Approving the lines, grades, drainage structures and all other structures appearing on plans showing proposed reconstruction work in the Borough

Appendix F. Public Property

§ F-101. Public Property.

Ordinance or Resolution	Date	Description
346	9/4/1979	Accepting a deed of dedication from Glenn P. Bastian, Scott C. Bastian, Edwin J. Scott and James J. Bogaczyk for a piece of ground in the Borough to be used as a Borough street
353	7/6/1981	Accepting deeds of dedication from Edward F. Saunders and Hazel Saunders, Harold E. Day and Mary Davy, E.W. Johnson and Lois L. Johnson for a piece of ground in the Borough to be used for a Borough street
354	7/6/1981	Accepting deeds of dedication from Edward Payne, Single and Edward F. Saunders and Hazel Saunders for a piece of ground in the Borough to be used as a Borough street
391	5/12/1986	Accepting a deed of dedication from Park Cemetery Association, Inc., for a piece of ground and bridge in the Borough to be used as a Borough street and bridge

Appendix G. Sewers

§ G-101. Sewers.

Ordinance or Resolution	Date	Description
39	7/12/1902	Awarding to John Walker and Company the contract for constructing a sewer

Appendix H. Streets and Sidewalks

§ H-101. Streets and Sidewalks.

This appendix contains an alphabetical listing of streets; and, under each street, a listing of all ordained activities.

Name	Activity	Location	Ord./Res.	Date
Alexander Lane	Named	Going to water tower from Troy Street (west) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Brann Street	Lay Out/Open	From Main Street to the right-of-way of the Pittsburgh, Binghamton and Eastern Railroad Company	73	4/16/1913
Brann Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Buck Run Lane	Named	Going north from West Union Street (Ward's) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Canale Lane	Named	Going east from North Minnequa Avenue (Canale's) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009

Name	Activity	Location	Ord./Res.	Date
Carlton Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Carlton Street	Right-of-Way	Beginning on the south at the point where this roadway intersects with "West South Avenue" and then proceeding in a northerly direction to the Borough line.	551	9/14/2009
Carnwright Lane	Named	End portion of Clinton Street from West Union Street for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Cedar Ridge Drive	Named	Going into Cedar Ridge Apartments for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Center Street	Lines/Grades	From Station 153-77 to Station 177-50	138	4/17/1934
Center Street	Pave/Curb	From Main Street to Carson Street	103	5/8/1925
Center Street	Pave	From north line of Main Street north to north line of Tioga Street	131	7/20/1931
Center Street	Pave	From north line of Main Street north to north line of Tioga Street		9/18/1931
Center Street	Sewer	From Main Street to a point opposite the dwelling of Charles A. Innes	54	7/4/1906
Center Street	Sewer	From Carson Street to a point 50 feet north	47	5/11/1904
Chestnut Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Chestnut Street	Right-of-Way	Beginning on the south at a point where this roadway intersects with "East Main Street/ State Route 414" and then proceeding in a northerly direction to the point where this roadway intersects with "East Union Street."	551	9/14/2009
Chestnut Street	Renamed	To Mosser Avenue to honor John Alfred Mosser	599	3/8/2021
Clinton Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Clinton Street	Open	From West Union Street to a point south	21	1/5/1898
Cold Spring Lane	Named	Going south from West South Avenue (Wommer's) for purposes of the Bradford County	552	12/15/2009

Name	Activity	Location	Ord./Res.	Date
		911 Emergency Communications System		
Crooks Terrace	Lay Out	From Troy Street to place of beginning	370	3/1/1982
Crooks Terrace	Named	Going west from Trippe Street (Miller's), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Crooks Terrace (north portion)	Renamed	To Trippe Street for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East Carson Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East Carson Street	Right-of-Way	Beginning on the east at a point where this roadway intersects with "North Minnequa Avenue" and then proceeding in a westerly direction to the point where this roadway intersects with "North Center Street."	551	9/14/2009
East Hilltop Lane	Named	Going to trailer park from Upper Mountain Road for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East Main Street (SR 0414)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East Second Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East South Avenue (SR 3008)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East Tioga Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East Union Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
East Union Street	Open	From Elm Street to Little Street	101	8/16/1923
East Union Street	Right-of-Way	Beginning on the west at a point where this roadway intersects with "North Center Street" and then proceeding in an easterly direction to the point where this roadway intersects with "Elm Street."	551	9/14/2009
East Union Street	Vacate	From Canton Area School District to North Little Street	306	8/11/1975

Name	Activity	Location	Ord./Res.	Date
Elm Street	Extend	From Union Street to the Borough limits, the center of Mill Creek	69	5/1/1912
Elm Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Fassett Street	Lay Out/Open	From Main Street to Second Street Extension	110	10/19/1927
Fassett Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Firemens Lane	Named	Going through Innes Hose Fairgrounds for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
First Street	Lay Out/Open	From Main Street to Washington Street	80	6/18/1915
First Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Harris Lane	Named	Going south from West South Avenue (Harris's) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
High Street	Lay Out/Open	From West Union Street to center of Park Place	91	6/18/1919
High Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Hilltop Lane	Named	Going to trailer park from Upper Mountain Road for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Ken and Marcy Lane	Named	Going north from West Union Street (Grue's) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Lake Hill Road (SR 0154)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Little Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Loomis Lane	Named	Going south from West Union Street (Loomis') (Township) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Lower Mountain Road (SR 3016)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009

Name	Activity	Location	Ord./Res.	Date
Lycoming Street	Improve	Route 20	118	7/30/1928
Lycoming Street	Improve	From Station 0+00 and a point beyond the intersection of Main Street and Washington Street at 12+70	117	7/30/1928
Lycoming Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Lycoming Street	Sewer	From Troy Street to center of manhole on Lycoming Street	44	5/8/1903
Lycoming Street	Widen/Straighten	From west line of Newton Landon's land west and south-west to the west line of the Borough	34	6/5/1901
Main Street	Curb/Pave	From Center Street to Washington Street	114	5/2/1928
Main Street	Improve	From Station 0+00 to Station 12+70	118	7/30/1928
Main Street	Improve	From Station 0+00 to a point beyond the intersection of Main Street and Washington Street at 12+70	117	7/30/1928
Main Street	Sewer	From Center Street to Lycoming Street	38	6/9/1902
Main Street	Sewer	From Minnequa Avenue to Main Street	47	5/11/1904
McIntosh Alley	Vacate	From east right-of-way line of the Pennsylvania Railroad to Troy Street	144	12/18/1935
McIntosh Lane	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Mimi Lane	Named	Going south from West South Avenue (Neff's) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Minnequa Avenue	Extend	From Carson Street to the north Borough line	28	7/5/1899
Minnequa Avenue	Lines	Intersection with South Avenue	136	11/10/1933
Minnequa Avenue	Lines	Intersection with South Avenue	137	4/17/1934
Minnequa Avenue	Reduce Right-of-Way	From Station 154+00 to Station 156+72	275	10/9/1972
Minnequa Avenue	Sewer	From Union Street Tioga Street	45	9/7/1903
Minnequa Avenue	Sewer	From Second Street to the center of manhole on East Union Street	44	5/8/1903
Montague Street	Extend	From Second Street to the lands of the Canton Borough Authority	250	2/10/1969

Name	Activity	Location	Ord./Res.	Date
Montague Street	Extend	From Second Street to the lands of the Canton Borough Authority	282	5/14/1973
Montague Street	Lay Out/Open	From Main Street to First Street	80	6/18/1915
Montague Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Mosser Avenue	Renamed	From Chestnut Street to honor John Alfred Mosser	599	3/8/2021
North Center Street (SR 3027)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
North Little Street	Vacate	From East Union Street to East Main Street	306	8/11/1975
North Minnequa Avenue	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
North Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
North Street	Right-of-Way	Beginning on the west at a point where this roadway intersects with "Troy Street/State Route 14" and then proceeding in a easterly direction to the Borough line.	551	9/14/2009
North Washington Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
North Washington Street	Right-of-Way	Beginning on the south at a point where this roadway intersects with "East Main Street/ State Route 414" and then proceeding in a northerly direction to the point where this roadway intersects with "East Union Street."	551	9/14/2009
Park Place	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Park Place	Open	From Lycoming Street northwest to the Municipal Parking Lot	324	9/12/1977
Pond Hill Road	Lines	Intersection with South Avenue	137	4/17/1934
Pond Hill Road	Lines	Intersection with South Avenue	136	11/10/1933
Preston Mill Lane	Named	Crooks Terrace (South section), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009

Name	Activity	Location	Ord./Res.	Date
Renstrom Lane	Named	Drive going west from Sullivan Street (Renstrom's), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Route 08036	Lines/Grades	From Station 80+24 to Station 98+39.33	172	8/2/1950
Route 14 (SR 0014)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Route 20-16	Lines/Grades	From Station 202-79 to Station 238-56.06	152	8/7/1940
Second Street	Extend	From Minnequa Avenue to Washington Street	26	6/7/1899
Second Street	Extend	From Washington Street to Fassett Street	111	10/5/1927
Second Street	Sewer	Entire length west of Minnequa Avenue	38	6/9/1902
South Avenue	Sidewalks	South side from east line of the Borough to the creek crossing said avenue near the west Borough line	84	5/5/1916
South Center Street	Extend	From Second Street to the north line of the Leavitt lot	64	12/7/1910
South Center Street	Extend	From South Center Street to Main Street	209	11/7/1956
South Center Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
South Main Street	Lines/Grades	From Station 0+10 to Station 9+64	176	2/14/1952
South Minnequa Avenue (SR 0154)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
South Washington Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
South Washington Street	Right-of-Way	Beginning on the north at a point where this roadway intersects with "East Main Street/ State Route 414" and then proceeding in a southerly direction to the point where this roadway ends.	551	9/14/2009
Springbrook Drive (SR 0014)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Sullivan Street	Improve	From Station 203+94 to Station 235+	233	5/22/1964
Sullivan Street	Pave	From Troy and Main Street to Second Street	126	5/21/1930
Sullivan Street	Right-of-Way	Beginning on the south at a point where this roadway intersects with "West South	551	9/14/2009

Name	Activity	Location	Ord./Res.	Date
		Avenue" and then proceeding in a northerly direction to the point where this roadway intersects with "State Route 14/ State Route 414"		
Sullivan Street	Sewer	North of Second Street	38	6/9/1902
Sullivan Street	Widen	From Towanda Creek north to south line of the lands of C.B. and Hattie Williams	132	11/4/1931
Sullivan Street	Widen	Intersection with Main Street and Lycoming Street	97	9/29/1922
Sullivan Street	Widen	From south line of Main Street to the place of beginning	119	12/5/1928
Sullivan Street (SR 0014)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Tioga Street	Right-of-Way	From State Route 14 to North Minnequa Avenue	520	12/13/2004
Tioga Street	Sewer	From Minnequa Avenue to manhole on Center Street	45	9/7/1903
Towanda (Main) Street	Lines/Grades	From Station 0+27 to Station 12+55	237	3/3/1965
Tripp Street	Renamed	To Trippe Street, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Trippe Street	Named	Previously Crooks Terrace (north portion) and Tripp Street, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Trippe Street	Right-of-Way	Beginning on the west at a point where this roadway intersects with "High Street" and then proceeding in a easterly direction to the point where this roadway intersects with what was "Crooks Terrace" but is now "Trippe Street"	551	9/14/2009
Troy Street	Grade/Drain/Pave	From a point south of the north line of Main Street north to the Pennsylvania Railroad	104	8/4/1926
Troy Street	Improve	From Station 250+50 to Station 297+85	236	3/3/1965
Troy Street	Improve	From Station 240+75 to Station 250+50	214	7/9/1958
Troy Street	Improve	From Main Street at Station 1994-41 to the railroad tracks of the Northern Central division of the Pennsylvania Railroad at Station 2011	108	8/25/1926
Troy Street	Improve	From Station 0+00 to a point beyond the intersection of Main Street and Washington	117	7/30/1928

Name	Activity	Location	Ord./Res.	Date
		Street at 12+70		
Troy Street	Improve	From right-of-way of the Pennsylvania Railway Company north to the Borough line	R-4/4/1918	
Troy Street	Improve	Route 20	118	7/30/1928
Troy Street	Lines/Grades	From the crossing of the Pennsylvania Railway to the northern boundary of the Borough	92	2/4/1920
Troy Street	Manholes	From a point 18 inches and 6 inches south of the north line of Main Street to the Pennsylvania Railroad	107	8/6/1926
Troy Street	Pave	From Main Street to railroad station	109	8/4/1926
Troy Street	Pave/Curb	From west line of Troy Street and extending thence east to the east line of Center Street	115	5/2/1928
Troy Street	Sewer	From Union Street to Main Street	38	6/9/1902
Troy Street	Sewer	From Union Street to Tioga Street	53	6/6/1906
Troy Street	Sewer	From Tioga Street to the south line of the low owned by Pj. Ronan	55	7/4/1906
Troy Street (SR 0014)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Twin Pines Lane	Named	Going south from West Union Street (Jannone's), for purposes of the Bradford County 911 Emergency Communications System)	552	12/15/2009
Unimproved Unopened Paper Street	Vacate	Unimproved, unopened paper street that runs northward from West Union Street and intersects with Trippe Street as a public street	583	12/14/2015
Union Street	Sewer	From Troy Street to a manhole opposite the Cold Storage Plant on said street	50	6/7/1905
Unnamed Alley	Renamed	To Wrights Lane from North Center Street to North Minnequa Avenue, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To West Hilltop Lane going to trailer park from Upper Mountain Road, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009

Name	Activity	Location	Ord./Res.	Date
Unnamed Drive	Renamed	To Cold Spring Lane going south from West South Avenue (Wommer's), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Alexander Lane going to water tower from Troy Street (west), for purposes of the Bradford County 911 Emergency Communications System)	552	12/15/2009
Unnamed Drive	Renamed	To Canale Lane going east from North Minnequa Avenue (Canale's), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Carnwright Lane end portion of Clinton Street from West Union Street, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Cedar Ridge Drive going into Cedar Ridge Apartments, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Warehouse Lane going to Schoonover's warehouse on Troy Street (west), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To East Hilltop Lane going to trailer park from Upper Mountain Road, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Firemens Lane going through Innes Hose Fairgrounds, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Hilltop Lane going to trailer park from Upper Mountain Road, for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Ken and Marcy Lane going north from West Union Street (Grue's), for purposes of the Bradford County 911	552	12/15/2009

Name	Activity	Location	Ord./Res.	Date
		Emergency Communications System		
Unnamed Drive	Renamed	To Loomis Lane going south from West Union Street (Loomis') (Township), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Mimi Lane going south from West South Avenue (Neff's), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Crooks Terrace going west from Trippe Street (Miller's), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Preston Mill Lane at Crooks Terrace (South section), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Renstrom Lane going west from Sullivan Street (Renstrom's), for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Twin Pines Lane going south from West Union Street (Jannone's), for purposes of the Bradford County 911 Emergency Communications System)	552	12/15/2009
Unnamed Drive	Renamed	To Buck Run Lane going north from West Union Street (Ward's) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Drive	Renamed	To Harris Lane going south from West South Avenue (Harris's) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Unnamed Highway	Improve	From Troy Street east along Main Street to the east line of Washington Street	112	-/-/
Upper Mountain Road	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Upper Mountain Road	Right-of-Way	Beginning on the south at a point where this roadway intersects with "Troy Street/State Route 14" and then proceed-	551	9/14/2009

Name	Activity	Location	Ord./Res.	Date
		ing in a northerly direction to the Borough line		
Warehouse Lane	Named	Going to Schoonover's warehouse on Troy Street (west) for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
Washington Street	Extend	From Main Street to a point 1,310 feet and 6 inches from the south side of Main Street	19	11/3/1897
West Carson Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West Carson Street	Right-of-Way	Beginning on the east at a point where this roadway intersects with "North Center Street" and then proceeding in a westerly direction to the point where this roadway intersects with "Troy Street/State Route 14."	551	9/14/2009
West Hilltop Lane	Named	Going to trailer park from Upper Mountain Road for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West Main Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West Second Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West South Avenue (SR 3008)	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West Tioga Street	Named	For purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West Union Street	Named	From Troy Street west for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West Union Street	Named	Between Troy and North Center for purposes of the Bradford County 911 Emergency Communications System	552	12/15/2009
West Union Street	Right-of-Way	Beginning on the east at the point where this roadway intersects with State Route 14/"Center Street" and then proceeding in a westerly direction to the Borough line	549	8/10/2009
Wrights Lane	Named	Alley from North Center Street to North Minnequa Avenue	552	12/15/2009

Appendix I. Water

§ I-101. Water.

(Reserved)

Appendix J. Zoning; Prior Ordinances

§ J-101. Zoning; Prior Ordinances.

(Reserved)

Chapter KO. Key to the Disposition of All Ordinances

§ KO-101. Key to the Disposition of All Ordinances.

Ordinance	Disposition	Number	Subject
1	Repealed by	338	Health and Safety
1A	Superseded by	470	Slaughterhouses and Pigsties
2	Superseded by	3	Transient Retail Merchants
4/3/1896	Repealed by	323	Police Constable
3, §§ 1, 2, 3	Repealed by	85	Streets and Sidewalks
§ 4	Repealed by	187	Peddlers
4, § 2	Repealed by	57	
§§ 1, 3-6	Repealed by	470	Omnibus Ordinance
5	Repealed by	323	Police Constable
6	Repealed by	470	Animals Running at Large
7	Repealed by	252	Curfew
8, § 1	Repealed by	222	
§ 2	Repealed by	261	Streets and Sidewalks
9	Repealed by	470	Bathing in Streams
10	Repealed by	332	Dogs Running at Large
11	Repealed by	323	Running of Railroad Tracks
12	Repealed by	333	Sidewalks
13	Repealed by	333	Sidewalks
14	Appendix	C	Franchises and Services
15	Appendix	C	Franchises and Services
16	Repealed by	260	Franchises and Services
17	Chapter **1**	Part 8	Annexation of Territory
18	Repealed by	207	Franchises and Services
19	Appendix	H	Streets and Sidewalks
20	Repealed by	333	Sidewalks
21	Appendix	H	Streets and Sidewalks
22	Repealed by	333	Sidewalks
23	Repealed by	206	Franchises and Services

Ordinance	Disposition	Number	Subject
24	Repealed by	249	Franchises and Services
3/3/1899	Repealed by	249	Franchises and Services
25	Superseded by	190	Fire Zones
26	Appendix	H	Streets and Sidewalks
27	Repealed by	470	Public Nuisance
28	Appendix	H	Streets and Sidewalks
29	Repealed by	333	Sidewalks
30	Repealed by	261	Streets and Sidewalks
31	Repealed by	205	Franchises and Services
32	Superseded by	159	Streets and Sidewalks
33	Repealed by	85	Streets and Sidewalks
34	Appendix	H	Streets and Sidewalks
35	Repealed by	204	Franchises and Services
36	Repealed by	335	False Fire Alarms
37	Appendix	B	Bond Issues and Loans
38	Appendix	H	Streets and Sidewalks
39	Appendix	G	Sewers
40	Superseded by	159	Streets and Sidewalks
41	Superseded by	93	Sewers and Sewage Disposal
42	Superseded by	314	Streets and Sidewalks
43	Repealed by	333	Sidewalks
44	Appendix	H	Streets and Sidewalks
45	Appendix	H	Streets and Sidewalks
46	Appendix	C	Franchises and Services
47	Appendix	H	Streets and Sidewalks
48	Repealed by	202	Franchises and Services
49	Repealed by	203	Franchises and Services
50	Appendix	H	Streets and Sidewalks
51	Repealed by	470	Streets and Sidewalks
52	Repealed by	470	Streets and Sidewalks
53	Appendix	H	Streets and Sidewalks
54	Appendix	H	Streets and Sidewalks
55	Appendix	H	Streets and Sidewalks
56	Repealed by	333	Sidewalks
57	Repealed by	470	Theaters and Shows; Circuses and Carnivals
58	Repealed by	333	Sidewalks
59	Repealed by	332	Dogs Running at Large
60	Repealed by	253	Curfew
61	Repealed by	332	Dogs Running at Large
62	Repealed by	470	Sale of Food, Apparel, etc.
63	Repealed by	333	Sidewalks
64	Appendix	H	Streets and Sidewalks
65	Superseded by	167	Sale of Firecrackers
66	Superseded by	470	Election of Fire Chiefs

Ordinance	Disposition	Number	Subject
67	Superseded by	470	Election of Fire Chiefs
68	Chapter **1**	Part 8	Annexation of Territory
69	Appendix	H	Streets and Sidewalks
70	Repealed by	333	Sidewalks
71	Chapter **1**	Part 8	Annexation of Territory
72	Repealed by	338	Communicable Diseases
73	Appendix	H	Streets and Sidewalks
74	Repealed by	333	Sidewalks
75	Repealed by	206	Franchises and Services
76	Repealed by	333	Sidewalks
77	Repealed by	333	Sidewalks
78	Repealed by	245	Keeping of Hogs and Pigs
79	Repealed by	333	Sidewalks
80	Appendix	H	Streets and Sidewalks
81	Unassigned		
82	Repealed by	98	Borough Map
83	Appendix	B	Bond Issues and Loans
84	Appendix	H	Streets and Sidewalks
85	Repealed by	333	Sidewalks
86	Chapter **1**	Part 8	Annexation of Territory
87	Repealed by	313	Motor Vehicles and Traffic
88	Repealed by	213	Shade Trees
89	Repealed by	323	Train Speeds
90	Repealed by	334	Communicable Diseases
91	Appendix	H	Streets and Sidewalks
92	Appendix	H	Streets and Sidewalks
93	Superseded by	105	Sewers and Sewage Disposal
94	Appendix	B	Bond Issues and Loans
95	Repealed by	338	Solid Waste
96	Chapter **10**	Part 4	Public Health
97	Appendix	H	Streets and Sidewalks
98	Repealed	82	Borough Map
99	Repealed by	102	Motor Vehicles and Traffic
100	Repealed by	180	Streets and Sidewalks
101	Appendix	H	Streets and Sidewalks
102	Repealed	99	Motor Vehicles and Traffic
103	Appendix	H	Streets and Sidewalks
104	Appendix	H	Streets and Sidewalks
105	Superseded by	257	Sewers and Sewage Disposal
106	Appendix	E	Plan Approval
107	Appendix	H	Streets and Sidewalks
108	Appendix	H	Streets and Sidewalks
109	Appendix	H	Streets and Sidewalks
110	Appendix	H	Streets and Sidewalks
111	Appendix	H	Streets and Sidewalks

Ordinance	Disposition	Number	Subject
112	Appendix	H	Streets and Sidewalks
113	Superseded by	133	Streets and Sidewalks
114	Appendix	H	Streets and Sidewalks
115	Appendix	H	Streets and Sidewalks
116	Repealed by	121	Tax Rate 1928
117	Appendix	H	Streets and Sidewalks
118	Appendix	H	Streets and Sidewalks
119	Appendix	H	Streets and Sidewalks
120	Repealed by	470	Construction of Chimneys
121	Repealed by	125	Tax Rate 1929
122	Superseded by	470	Motor Vehicles and Traffic
123	Repealed	609	Streets and Sidewalks
124	Appendix	B	Bond Issues and Loans
125	Repealed by	130	Tax Rate 1930
126	Appendix	H	Streets and Sidewalks
127	Appendix	B	Bond Issues and Loans
128	Repealed by	463	Firemen's Relief Association
129	Appendix	C	Franchises and Services
130	Repealed by	134	Tax Rate 1931
131	Appendix	H	Streets and Sidewalks
9/18/1931	Appendix	H	Streets and Sidewalks
132	Appendix	H	Streets and Sidewalks
133	Superseded by	470	Streets and Sidewalks
134	Repealed by	135	Tax Rate 1932
135	Repealed by	139	Tax Rate 1933
136	Appendix	H	Streets and Sidewalks
137	Appendix	H	Streets and Sidewalks
138	Appendix	H	Streets and Sidewalks
139	Repealed by	140	Tax Rate 1934
140	Repealed by	145	Tax Rate 1935
141	Appendix	B	Bond Issues and Loans
142	Appendix	B	Bond Issues and Loans
143	Appendix	B	Bond Issues and Loans
144	Appendix	H	Streets and Sidewalks
145	Repealed by	146	Tax Rate 1936
146	Repealed by	149	Tax Rate 1937
6/2/1937	Repealed by	197	Transient Retail Merchants
7/5/---	Repealed by	187	Transient Retail Merchants
147	Repealed by	313	Motor Vehicles and Traffic
148	Repealed by	470	Disorderly Conduct
149	Repealed by	150	Tax Rate 1938
150	Repealed by	151	Tax Rate 1939
151	Repealed by	153	Tax Rate 1940
152	Appendix	H	Streets and Sidewalks
153	Repealed by	154	Tax Rate 1941

Ordinance	Disposition	Number	Subject
154	Repealed by	157	Tax Rate 1942
155	Repealed by	313	Motor Vehicles and Traffic
156	Appendix	D	Governmental Affairs
157	Repealed by	160	Tax Rate 1943
158	Superseded by	470	Bicycle Licenses
159	Superseded by	470	Streets and Sidewalks
160	Repealed by	161	Tax Rate 1944
161	Repealed by	163	Tax Rate 1945
162	Appendix	C	Franchises and Services
163	Repealed by	165	Tax Rate 1946
164	Repealed by	315	Motor Vehicles and Traffic
165	Repealed by	166	Tax Rate 1947
166	Repealed by	169	Tax Rate 1948
167	Repealed by	470	Fireworks
168	Repealed by	258	Police Pension Plan
2/1/1949	Repealed by	315	Motor Vehicles and Traffic
169	Repealed by	171	Tax Rate 1949
170	Repealed by	470	Protection of Public Property
171	Repealed by	175	Tax Rate 1950
172	Appendix	H	Streets and Sidewalks
173	Superseded by	470	Motor Vehicles and Traffic
174	Chapter **1**	Part 5	Municipal Authority
175	Repealed by	177	Tax Rate 1951
176	Appendix	H	Streets and Sidewalks
177	Repealed by	181	Tax Rate 1952
178	Repealed by	226	Per Capita Tax Rate 1952
179	Chapter **4**	Part 1	Numbering of Buildings
180	Repealed by	323	Streets and Sidewalks
181	Repealed by	184	Tax Rate 1953
182	Appendix	D	Governmental Affairs
183	Repealed by	226	Per Capita Tax
184	Repealed by	195	Tax Rate 1954
185	Repealed by	470	Bicycle Licenses
186	Superseded by	470	Motor Vehicles and Traffic
187	Repealed by	329	Transient Retail Merchants
188	Repealed by	338	Solid Waste
189	Repealed by	269	Motor Vehicles and Traffic
190	Superseded by	470	Construction in Fire Zones
191	Repealed by	269	Motor Vehicles and Traffic
192	Repealed by	267	Motor Vehicles and Traffic
193	Repealed by	267	Motor Vehicles and Traffic
194	Superseded by	470	Outdoor Burning
195	Repealed by	199	Tax Rate 1955
196	Appendix	C	Franchises and Services
197	Chapter **7**	Part 1	Fire Apparatus

Ordinance	Disposition	Number	Subject
198	Repealed by	315	Motor Vehicles and Traffic
199	Repealed by	210	Tax Rate 1956
200	Repealed by	338	Solid Waste
201	Appendix	C	Franchises and Services
202	Repealed	48	Franchises and Services
203	Repealed	49	Franchises and Services
204	Repealed	35	Franchises and Services
205	Repealed	31	Franchises and Services
206	Repealed	23	Franchises and Services
207	Repealed	18	Franchises and Services
208	Repealed by	315	Motor Vehicles and Traffic
209	Appendix	H	Streets and Sidewalks
210	Repealed by	211	Tax Rate 1957
211	Repealed by	217	Tax Rate 1958
212	Repealed by	332	Dogs Running at Large
213	Chapter **25**	Part 1	Shade Trees
214	Appendix	H	Streets and Sidewalks
215	Appendix	C	Franchises and Services
216	Chapter **1**	Part 2	Planning Commission
217	Repealed by	220	Tax Rate 1959
218	Appendix	B	Bond Issues and Loans
219	Appendix	B	Bond Issues and Loans
220	Repealed by	313	Motor Vehicles and Traffic
221	Repealed by	223	Tax Rate 1960
222	Repealed by	474	Vegetation
223	Repealed by	225	Tax Rate 1961
224	Repealed by	315	Motor Vehicles and Traffic
225	Repealed by	227	Tax Rate 1962
226	Repealed by	555	Per Capita Tax
227	Repealed by	232	Tax Rate 1963
228	Repealed by	332	Dogs Running at Large
229	Chapter **1**	Part 5	Municipal Authority
230	Repealed by	315	Motor Vehicles and Traffic
231	Repealed by	470	Junk Dealers
232	Repealed by	235	Tax Rate 1964
233	Appendix	H	Streets and Sidewalks
234	Superseded by	470	Motor Vehicles and Traffic
235	Repealed by	238	Tax Rate 1965
236	Appendix	H	Streets and Sidewalks
237	Appendix	H	Streets and Sidewalks
238	Repealed by	240	Tax Rate 1966
239	Repealed by	267	Motor Vehicles and Traffic
240	Repealed by	242	Tax Rate 1967
241	Repealed by	296	Motor Vehicles and Traffic
242	Repealed by	247	Tax Rate 1968

Ordinance	Disposition	Number	Subject
1/10/1968	Repealed by	296	Motor Vehicles and Traffic
243	Superseded by	470	Motor Vehicles and Traffic
7/10/1968	Repealed by	315	Motor Vehicles and Traffic
9/4/1968	Repealed by	315	Motor Vehicles and Traffic
244	Superseded by	470	Motor Vehicles and Traffic
245	Repealed	78	Keeping of Hogs and Pigs
246	Repealed	603	Keeping of Hogs and Pigs
247	Repealed by	256	Tax Rate 1969
248	Chapter **10**	Part 2	Health and Safety
249	Appendix	C	Franchises and Services
250	Appendix	H	Streets and Sidewalks
251	Repealed by	470	Storage of Fuel
252	Repealed	7	Curfew
253	Repealed	60	Curfew
254	Chapter **6**	Part 3	Curfew
255	Repealed by	336	Motor Vehicles and Traffic
256	Repealed by	264	Tax Rate 1970
257	Superseded by	470	Sewers and Sewage Disposal
258	Repealed	168	Governmental Affairs
8/10/1970	Chapter **10**	Part 2	Health and Safety
259	Repealed by	301	Governmental Affairs
260	Repealed	16	Franchises and Services
261	Repealed by	331	Streets and Sidewalks
262	Repealed by	337	
263	Repealed by	339	Mobile Homes and Mobile Home Parks
264	Repealed by	270	Tax Rate 1971
265	Repealed by	271	Per Capita Tax Rate 1971
266	Chapter **24**	Part 2	Earned Income Tax
267	Repealed by	357	Motor Vehicles and Traffic
268	Repealed by	272	Governmental Affairs
269	Repealed by	337	Motor Vehicles and Traffic
270	Repealed by	276	Tax Rate 1972
271	Repealed by	278	Per Capita Tax Rate 1972
272	Repealed by	277	Governmental Affairs
273	Repealed by	470	Housing Code
274	Superseded by	470	Disorderly Conduct
275	Appendix	H	Streets and Sidewalks
276	Repealed by	288	Tax Rate 1973
277	Repealed by	289	Income Tax Officer
278	Repealed by	290	Per Capita Tax Rate
279	Repealed by	285	Motor Vehicles and Traffic
280	Repealed by	283	Bond Issues and Loans
281	Repealed by	315	Motor Vehicles and Traffic
282	Appendix	H	Streets and Sidewalks

Ordinance	Disposition	Number	Subject
283	Repealed	280	Bond Issues and Loans
284	Appendix	B	Bond Issues and Loans
285	Superseded by	470	Per Capita Tax
285A	Repealed by	339	Mobile Homes and Mobile Home Parks
286	Repealed by	339	Mobile Homes
287	Repealed by	328	Compensation of Borough Officials
288	Repealed by	297	Tax Rate 1974
289	Repealed by	298	Earned Income Tax Officer
290	Repealed by	299	Per Capita Tax
291	Superseded by	470	Construction in Fire Zones
292	Repealed by	303	Floodplains
293	Repealed by	470	Firearms
294	Repealed by	303	Streets and Sidewalks
295	Appendix	D	Governmental Affairs
296	Repealed by	308	Motor Vehicles and Traffic
297	Repealed by	311	Tax Rate 1975
298	Repealed by	309	Governmental Affairs
299	Repealed by	310	Per Capita Tax
300	Repealed by	304	Sewers and Sewage Disposal
301	Chapter **1**	Part 4	Police Pension Plan
302	Repealed by	351	Bond Issues and Loans
303	Repealed by	363	Floodplains
304	Chapter **18**	Part 3	Sewers and Sewage Disposal
305	Repealed by	330	Motor Vehicles and Traffic
306	Appendix	H	Streets and Sidewalks
307	Appendix	D	Governmental Affairs
308	Repealed by	296	Motor Vehicles and Traffic
309	Repealed by	316	Governmental Affairs
310	Repealed by	317	Per Capita Tax Rate 1976
311	Repealed by	318	Tax Rate 1976
312	Repealed by	2023-613	Office of Borough Manager
§ 7	Repealed by	470	
313	Repealed	87, 147, 155, 220	Motor Vehicles and Traffic
314	Not Codified		Zoning
315	Superseded by	470	Motor Vehicles and Traffic
316	Repealed by	327	Governmental Affairs
317	Repealed by	326	Per Capita Tax Rate 1977
318	Repealed by	325	Tax Rate 1977
319	Superseded by	470	Motor Vehicles and Traffic
320	Superseded by	470	Sewers and Sewage Disposal
321	Repealed by	355	Outdoor Burning
322	Superseded by	470	Signs
323	Repealed	5, 89, 180	Police Constable, Speed of Trains and Streets and Sidewalks
324	Appendix	H	Streets and Sidewalks

Ordinance	Disposition	Number	Subject
325	Repealed by	342	Tax Rate 1978
326	Per Capita Tax Rate	1978	
327	Repealed by	343	Governmental Affairs
328	Repealed by	470	Elected Officials
329	Chapter **13**	Part 1	Transient Retail Merchants
330	Superseded by	470	Motor Vehicles and Traffic
331	Repealed by	474	Streets and Sidewalks
332	Superseded by	470	Dogs Running at Large
333	Repealed	12, 13, 20, 22, 29, 43, 56, 58, 63, 70, 74, 76, 77, 79, 85, 294	Sidewalks
334	Repealed	90	Communicable Diseases
335	Repealed	36	False Fire Alarms
336	Repealed	255	Motor Vehicles and Traffic
337	Repealed	262, 269	Streets and Sidewalks
338	Superseded by	355	Solid Waste
339	Repealed	263	Mobile Homes and Mobile Home
	Repealed	285A	Parks
340	Appendix	D	Governmental Affairs
341	Not Codified		Zoning
342	Repealed by	345	Tax Rate 1979
343	Repealed by	-	Governmental Affairs
344	Repealed by	364	Floodplains
345	Repealed by	348	Tax Rate 1979
8/6/1979	Repealed by	355	Outdoor Burning
346	Appendix	F	Public Property
347	Appendix	B	Bond Issues and Loans
348	Tax Rate	1980	
349	Appendix	D	Governmental Affairs
350	Repealed by	470	Police Dogs
351	Repealed	302	Bond Issues and Loans
352	Superseded by	470	Sewers and Sewage Disposal
353	Appendix	F	Public Property
354	Appendix	F	Public Property
355	Chapter **20**	§§ **20-101**– **20-104** Repealed by 470	Solid Waste
356	Superseded by	470	Motor Vehicles and Traffic
357	Superseded by	470	Motor Vehicles and Traffic
358	Not Codified		Zoning
359	Appendix	D	Governmental Affairs
360	Tax Rate	1981	
361	Superseded by	470	Sewers and Sewage Disposal
362	Appendix	D	Governmental Affairs
363	Repealed by	407	Floodplains
364	Repealed	344	Floodplains;

Ordinance	Disposition	Number	Subject
	Not Codified		Zoning
365	Not Codified		Zoning
366	Repealed by	396	Property Maintenance
367	Tax Rate	1982	
368	Appendix	D	Governmental Affairs
369	Superseded by	470	Motor Vehicles and Traffic
370	Appendix	H	Streets and Sidewalks
371	Repealed by	407	Floodplains
372	Chapter **10**	Part 4	Public Health
373	Repealed	603	Animals
374	Appendix	D	Governmental Affairs
375	Tax Rate	1983	
376	Superseded by	470	Mobile Homes and Mobile Home Parks
377	Repealed by	407	Floodplains
378	Appendix	D	Governmental Affairs
379	Tax Rate	1984	
380	Appendix	D	Governmental Affairs
381	Tax Rate	1985	
382	Chapter **1**	Part 5	Municipal Authority
383	Superseded by	396	Health and Safety
384	Superseded by	470	Motor Vehicles and Traffic
385	Appendix	D	Governmental Affairs
386	Tax Rate	1986	
387	Occupation Tax Rate	1986	
388	Chapter **1**	Part 3	Municipal Pension Plan
389	Chapter **1**	Part 4	Police Pension Plan
390	Repealed by	406	Realty Transfer Tax
391	Appendix	F	Public Property
392	Tax Rate	1987	
392A	Repealed by	407	Floodplains
393	Appendix	D	Governmental Affairs
394	Occupation Tax Rate	1987	
395	Chapter **1**	Part 3	Municipal Pension Plan
396	Chapter **10**	Part 1	Health and Safety
397	Chapter **1**	Part 4	Police Pension Plan
398	Superseded by	470	Motor Vehicles and Traffic
399	Superseded by	470	Motor Vehicles and Traffic
400	Appendix	D	Governmental Affairs
401	Chapter **6**	Part 3	Curfew
402	Superseded by	470	Motor Vehicles and Traffic
403	Chapter **18**	Part 3	Sewers and Sewage Disposal
404	Tax Rate	1988	
405	Appendix	D	Governmental Affairs
406	Chapter **24**	Part 1	Realty Transfer Tax

Ordinance	Disposition	Number	Subject
407	Chapter **8**	Part 1	Floodplains
408	Chapter **1**	Part 4	Police. Pension Plan
409	Superseded by	470	Motor Vehicles and Traffic
410	Superseded by	470	Motor Vehicles and Traffic
411	Superseded by	470	Motor Vehicles and Traffic
412	Chapter **6**	Part 2	Loitering
413	Chapter **6**	Part 1	Alcoholic Beverages
414	Repealed by	470	Solid Waste
415	Tax Rate	1989	
416	Appendix	D	Governmental Affairs
417	Chapter **1**	Part 3	Municipal Pension Plan
418	Superseded by	470	Motor Vehicles and Traffic
419	Superseded by	470	Motor Vehicles and Traffic
420	Chapter **1**	Part 3	Municipal Pension Plan
421	Chapter **10**	Part 2	Health and Safety
422	Repealed	609	Streets and Sidewalks
423	Chapter **8**	Part 1	Floodplain
424	Not Codified		Zoning Map Amendment
425	Superseded by	470	Motor Vehicles and Traffic
426	Tax Rate	1990	
427	Appendix	D	Governmental Affairs
427A	Superseded by	470	Motor Vehicles and Traffic
428	Chapter **1**	Part 5	Municipal Authority
429	Chapter **18**	Part 1	Sewers and Sewage Disposal
430	Chapter **18**	Part 2	Sewers and Sewage Disposal
431	Repealed by	470	Outdoor Burning
432	Tax Rate	1991	
433	Appendix	D	Governmental Affairs
434	Not Codified		Zoning
435	Not Codified		Zoning
436	Chapter **25**	Part 1	Shade Trees
437	Chapter **1**	Part 4	Police Pension Plan
438	Tax Rate	1992	
439	Appendix	D	Governmental Affairs
440	Occupation	1992	
	Tax Rate		
441	Superseded by	470	Motor Vehicles and Traffic
442	Tax Rate	1993	
443	Appendix	D	Governmental Affairs
444	Superseded by	470	Motor Vehicles and Traffic
445	Repealed by	470	Solid Waste
446	Tax Rate	1994	
447	Appendix	D	Governmental Affairs
448	Occupation Tax Rate	1994	
449	Repealed		Debt Financing

Ordinance	Disposition	Number	Subject
6/13/1994	Appendix	B	Bond Issues and Loans
450	Chapter **10**	Part 5	Health and Safety
451	Tax Rate	1995	
452	Appendix	D	Governmental Affairs
453	Chapter **1**	Part 4	Pension Funds
454	Superseded by	470	Motor Vehicles and Traffic
455	Chapter **1**	Part 3, Part 4	Pension Plans
456	Chapter **4**	Part 1	Numbering of Buildings
457	Appendix	B	Bond Issues and Loans
458	Chapter **4**	Part 2	Dangerous Structures
459	Tax Rate	1996	
460	Occupation Tax Rate	1996	
461	Appendix	D	Governmental Affairs
462	Appendix	D	Governmental Affairs
463	Chapter **1**	Part 6	Recognition of Fire Department
464	Appendix	B	Bond Issues and Loans
465	Tax Rate	1997	
466	Appendix	D	Governmental Affairs
467	Tax Rate	1998	
468	Appendix	D	Governmental Affairs
469	Chapter **1**	Part 4	Administration and Government
470	Adopted	Intro.	Page ix
471	Tax Rate	1999	
472	Appendix	D	Governmental Affairs
473	Occupation Tax	1999	
474	Superseded by	559	Code Enforcement
475	Superseded by	568	Motor Vehicles and Traffic
476	Superseded by	568	Motor Vehicles and Traffic
477	Tax Rate	2000	
478	Appendix	D	Governmental Affairs
479	Chapter **1**	Part 3	Administration and Government
480	Appendix	B	Bond Issues and Loans
481	Superseded by	568	Motor Vehicles and Traffic
482	Repealed	603	Animals
483	Chapter **1**	Part 4	Administration and Government
484	Chapter **1**	Part 3	Administration and Government
485	Occupation Tax	2000	
486	Appendix	D	Governmental Affairs
487	Tax Rate	2001	
488	Superseded by	568	Motor Vehicles and Traffic
489	Appendix	B	Bond Issues and Loans
490	Not Codified		Zoning
491	Repealed by	572	Floodplains
492	Appendix	B	Bond Issues and Loans
493	Not Codified		Zoning

Ordinance	Disposition	Number	Subject
494	Appendix	B	Bond Issues and Loans
495	Appendix	B	Bond Issues and Loans
496	Tax Rate	2002	
497	Appendix	D	Governmental Affairs
498	Appendix	B	Bond Issues and Loans
499	Appendix	B	Bond Issues and Loans
500	Appendix	D	Governmental Affairs
501	Appendix	B	Bond Issues and Loans
502	Chapter **21**	Part 6	Streets and Sidewalk
503	Appendix	D	Governmental Affairs
504	Appendix	B	Bond Issues and Loans
505	Superseded by	521	Health and Safety
506	Tax Rate	2003	
507	Appendix	D	Governmental Affairs
508	Not Codified		Zoning
509	Not Codified		Zoning
510	Repealed	609	Streets and Sidewalks
511	Superseded by	536	Parks and Recreation
512	Chapter **1**	Part 4	Administration and Government
513	Tax Rate	2004	
514	Appendix	D	Governmental Affairs
515	Repealed by	2023-612	Fire Prevention and Fire Protection
516	Chapter **5**	Part 2	Code Enforcement
517	Appendix	B	Bond Issues and Loans
518	Chapter **5**	Part 2	Code Enforcement
519	Number Not Used		
520	Appendix	H	Streets and Sidewalks
521	Chapter **10**	Part 1	Health and Safety
522	Appendix	D	Governmental Affairs
523	Tax Rate 2005		
524	Appendix	D	Governmental Affairs
525	Repealed by	597	Fire Prevention and Fire Protection
526	Appendix	D	Governmental Affairs
527	Tax Rate 2006		
528	Chapter **26**	Part 1	Water
529	Superseded by	531	Fire Prevention and Fire Protection
530	Appendix	B	Bond Issues and Loans
531	Chapter **7**	Part 4	Fire Prevention and Fire Protection
532	Appendix	D	Governmental Affairs
533	Tax Rate 2007		
534	Chapter **1**	Part 3, Part 4	Administration and Government
535	Superseded by	568	Motor Vehicles and Traffic
536	Chapter **16**	Part 1	Parks and Recreation
537	Superseded by	552	Governmental Affairs Streets and Sidewalks

Ordinance	Disposition	Number	Subject
538	Repealed	603	Animals
539	Superseded by	568	Motor Vehicles and Traffic
540	Chapter **24**	Part 4	Taxation; Special
541	Appendix	D	Governmental Affairs
542	Tax Rate 2008		
543	Chapter **6**	Part 3	Conduct
544	Appendix	B	Bond Issues and Loans
545	Chapter **1**	Part 9	Administration and Government
546	Appendix	D	Governmental Affairs
547	Tax Rate 2009		
548	Chapter **7**	Part 2	Fire Prevention and Fire Protection
549	Appendix	H	Streets and Sidewalks
550	Not Codified		
551	Appendix	H	Streets and Sidewalks
552	Appendix	D	Governmental Affairs
	Appendix	H	Streets and Sidewalks
553	Tax Rate 2010		
554	Occupation Tax	2010	
555	Repealed	226, 470	Per Capita Tax
556	Repealed	592	Housing
557	Superseded by	568	Motor Vehicles
558	Repealed by	2023-612	Fire Prevention and Fire Protection
559	Chapter **5**	Part 1	Code Enforcement
560	Tax Rate 2011		
561	Repealed	582	Code Enforcement
562	Chapter **6**	Part 7	Conduct
563	Appendix	B	Bond Issues and Loans
564	Appendix	B	Bond Issues and Loans
565	Tax Rate 2012		
566	Chapter **1**	Part 4	Administration and Government
567	Tax Rate 2013		
568	Chapter **15**	Part 1	Motor Vehicles and Traffic
569	Chapter **6**	Part 8	Conduct
570	Tax Rate 2014		
571	Chapter **1**	Part 6	Administration and Government
572	Chapter **8**	Part 1	Floodplains
573	Appendix	B	Bond Issues and Loans
574	Chapter **1**	Part 1	Administration and Government
575	Tax Rate 2015		
576	LERTA		
577	Repealed by	2023-611	Streets and Sidewalks
578	Chapter **27**	Part 1	Zoning
579	Chapter **1**	Part **11**	Administration and Government
580	LERTA		
581	Appendix	B	Bond Issues and Loans

Ordinance	Disposition	Number	Subject
582	Chapter **5**	Part 3	Code Enforcement
583	Appendix	H	Streets and Sidewalks
584	Chapter **6**	Part 5	Conduct
585	Tax Rate 2016		
586	Chapter **1**	Part 3	Administration and Government
587	Tax Rate 2017		
588	Chapter **1**	Part **12**	Administration and Government
589	Chapter **1**	Part 5	Administration and Government
590	Tax Rate 2018		
591	Tax Rate 2019		
592	Repealed	608	Housing
593	Appendix	B	Bond Issues and Loans
594	Chapter **10**	Part 6	Health and Safety
595	Repealed	604	Code Enforcement
596	Repealed	605	Code Enforcement
597	Chapter **7**	Part 3	Fire Prevention and Fire Protection
598	Appendix	B	Bond Issues and Loans
599	Appendix	H	Streets and Sidewalks
600	Repealed	604	Code Enforcement
601	Repealed	603	Animals
602	Tax Rate 2022		
603	Chapter **2**	Part 2	Animals
604	Chapter **5**	Part 4	Code Enforcement
605	Chapter **5**	Part 1	Code Enforcement
606	Chapter **5**	Part 2	Code Enforcement
607	Chapter **5**	Part 3	Code Enforcement
608	Chapter **11**	Part 1	Housing
609	Chapter **21**	Part 1	Streets and Sidewalks
610	Chapter **23**	Part 1	Swimming Pools

Ord. No.	Adoption Date	Subject	Disposition	Supp. No.
2023-611	2/13/2023	Streets and Sidewalks: Street Opening and Excavation	Ch. **21**, Pt. **3**	1
2023-612	11/13/2023	Fire Prevention and Fire Protection: Air Pollution Control	Ch. **7**, Pt. **2**	1
2023-613	12/11/2023	Administration and Government: Borough Manager	Ch. **1**, Pt. **1**	1

Chapter KR. Key to Significant Resolutions

§ KR-101. Key to Significant Resolutions.

Resolution	Disposition	Number	Subject
4/4/1918	Appendix	H	Streets and Sidewalks

Resolution	Disposition	Number	Subject
Authority Res. 1/1/1970	Superseded by	Authority Res. 1/1/1986	Sewer Rates, Rules and Regulations
Authority Res. 1/1/1986	Chapter **18**	§§ 401-405	Sewer Rates, Rules and Regulations

Res. No.	Adoption Date	Subject	Disposition	Supp. No.
2024-1	1/2/2024	Fee Schedule	Ch. **FS**	2