

ORDINANCE NO. 47

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE TOWNSHIP OF TOWANDA, BRADFORD COUNTY, PENNSYLVANIA; CONSOLIDATING, REVISING, AMENDING AND REPEALING CERTAIN ORDINANCES; ENACTING CERTAIN NEW PROVISIONS; PROVIDING A PROCEDURE FOR AMENDING THE CODE AND FOR THE CITATION OF THE CODE AND THE EFFECTIVE DATE THEREOF; ESTABLISHING RESPONSIBILITY FOR MAINTENANCE OF THE CODE; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors hereby ordains:

Section 1. Adoption.

The “Code of Ordinances, Township of Towanda,” as prepared and published for the said Township of Towanda, is hereby adopted as a consolidation, codification and revision of the ordinances of the Township of Towanda. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Township of Towanda organized as follows:

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Chapter 1	Administration and Government
Chapter 2	Animals [Reserved]
Chapter 3	Bicycles [Reserved]
Chapter 4	Buildings
Chapter 5	Code Enforcement [Reserved]
Chapter 6	Conduct [Reserved]
Chapter 7	Fire Prevention and Fire Protection
Chapter 8	Floodplains
Chapter 9	Grading and Excavating [Reserved]
Chapter 10	Health and Safety [Reserved]
Chapter 11	Housing [Reserved]
Chapter 12	Libraries [Reserved]
Chapter 13	Licenses, Permits and General Business Regulations
Chapter 14	Mobile Homes and Mobile Home Parks
Chapter 15	Motor Vehicles and Traffic
Chapter 16	Parks and Recreation [Reserved]
Chapter 17	Planned Residential Development [Reserved]

Chapter 18	Sewers and Sewage Disposal
Chapter 19	Signs and Billboards [Reserved]
Chapter 20	Solid Waste
Chapter 21	Streets and Sidewalks
Chapter 22	Subdivision and Land Development [Reserved]
Chapter 23	Swimming Pools [Reserved]
Chapter 24	Taxation; Special
Chapter 25	Trees [Reserved]
Chapter 26	Water
Chapter 27	Zoning

APPENDIX:

A	Annexation of Territory
B	Bond Issues and Loans
C	Franchises and Services
D	Governmental and Intergovernmental Affairs
E	Plan Approval
F	Public Property
G	Sewers
H	Streets and Sidewalks
I	Water
J	Zoning; Prior Ordinances

Key to the Disposition of All Ordinances

The Appendix of the volume lists, by subject matter, in chronological order, the titles (or an abstract of title) of enactments of special nature or of historical interest, for the complete text of which the official records of the Township of Towanda shall be authoritative.

Section 2. Citation and Effective Date.

The codification referred to in Section 1 of this ordinance shall be known and cited officially as the “Township of Towanda Code of Ordinances,” and all future ordinances shall make reference thereto. This ordinance shall become effective immediately upon publication of notice of final enactment as required by law.

Section 3. Saving Clause.

The provisions of the Township of Towanda Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of said Code, are intended as a continuation of such ordinances and regulations and not as

a new enactment. The provisions of the Township of Towanda Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

Section 4. Consolidation and Revision.

As a necessary part of codification, the following provisions are hereby consolidated and revised as indicated:

A. Consolidations

Chapter, Part, Section	Subject	Ordinance No.
15, Entire Chapter	Motor Vehicles	Ord. 8, Ord. 32, Ord. 33 and Res. 94-6

B. Revisions

Chapter, Part, Section	Subject	Ordinance No.
14, §14-101	Mobile Home Parks	Ord. 5

Section 5. New Enactments.

As a necessary part of codification, the following ordinances are hereby enacted, amended and repealed as summarized by short title:

A. New Enactments

Chapter, Part, Section	Subject
10, 1, §§101-106	Storage of Abandoned Appliances, Machinery and Construction Materials
10, 2, §§201-217	Property Maintenance
15, Entire Chapter	Motor Vehicles and Traffic
20, 2, §§201-207	Regulation of the Storage, Collection and Disposal of Solid Waste
24, 1, §§101-107	Earned Income Tax
24, 3, §§301-305	Per Capita Tax

B. Amendments

Chapter, Part, Section	Subject	Ordinance No.
1, 1, §101	Rules and Special Meetings of the Board of Supervisors; Order of Business	Res. 93-2

Chapter, Part, Section	Subject	Ordinance No.
1, 1, §102	Rules and Special Meetings of the Board of Supervisors; Public Comment	Res. 93-2
4, 1, §102	Dangerous Structures; Definitions	Ord. 7-1976, §2
8, 1, §102	Floodplains; General Provisions; Applicability	Ord. 4/6/1981, §101
8, 2, §201	Floodplains; Administration; Building Permits Required	Ord. 4/6/1981, §2.00
8, 2, §202	Floodplains; Issuance of Building Permit	Ord. 4/6/1981, §2.01
8, 2, §203	Floodplains; Application Procedures	Ord. 4/6/1981, §2.02
8, 2, §210	Floodplains; Fees	Ord. 4/6/1981, §2.09
8, 2, §401	Floodplains; Technical Provisions; General	Ord. 4/6/1981, §4.00
8, 4, §405	Floodplains; Technical Provisions; Hazardous Materials and Substances	Ord. 4/6/1981, §4.04
8, 6, §601	Floodplains; Activities Requiring Special Permits; General	Ord. 4/6/1981, §6.00; Ord. 10/5/1987, §7
8, 6, §603	Floodplains; Activities Requiring Special Permits; Review of Application for Special Permit	Ord. 4/6/1981, §6.02
8, 6, §604	Floodplains; Activities Requiring Special Permits; Special Technical Requirements	Ord. 4/6/1981, §6.03
8, 6, §701	Floodplains; Variances; Variances	Ord. 4/6/1981, Art. VII
13, 1, §102	Junkyards and Refuse; Purpose and Intent	Ord. 2, §2
13, 1, §103	Junkyards and Refuse; Definitions	Ord. 2, §3
13, 1, §104	Junkyard License Required; Fees	Ord. 2, §4

Chapter, Part, Section	Subject	Ordinance No.
13, 1, §109	Junkyards and Refuse; Transfer Fee	Ord. 2, §9
13, 1, §110	Junkyards and Refuse; Operational Standards	Ord. 2, §10
13, 1, §111	Junkyards and Refuse; Additional Standards	Ord. 2, §11
13, 2, §202	Adult Entertainment; Definitions	Ord. 30, §II
14, 1, §101	Mobile Homes; Regulations; Definitions	Ord. 5, §1
14, 1, §102	Mobile Homes; Regulations; Permits	Ord. 5, §2; Ord 3/3/1986B
14, 1, §103	Mobile Homes; Regulations; Suspension	Ord. 5, §3
14, 1, §105	Mobile Homes; Regulations; Park Construction Requirements	Ord. 5, §5
14, 1, §106	Mobile Homes; Regulations; Water Supply	Ord. 5, §6
14, 1, §107	Mobile Homes; Regulations; Sewage Disposal	Ord. 5, §7
14, 1, §110	Mobile Homes; Regulations; Refuse Handling	Ord. 5, §10
14, 1, §111	Mobile Homes; Regulations; Insect and Rodent Control	Ord. 5, §11
14, 1, §114	Mobile Homes; Regulations; Erection of Single Mobile Homes	Ord. 5, §14
14, 1, §115	Mobile Homes; Regulations; Miscellaneous Requirements	Ord. 5, §15
18, 2, §202	Holding Tanks; Definitions	Ord. 6/5/1990A, §2
18, 2, §203	Holding Tanks; Rights and Privileges Granted	Ord. 6/5/1990A, §3
18, 2, §204	Holding Tanks; Rules and Regulations	Ord. 6/5/1990A, §4

Chapter, Part, Section	Subject	Ordinance No.
18, 2, §205	Holding Tanks; Rules and Regulations to be in Conformity with Applicable Law	Ord. 6/5/1990A, §5
18, 2, §206	Holding Tanks; Rates and Charges	Ord. 6/4/1990A, §6
18, 2, §207	Holding Tanks; Exclusiveness of Rights and Privileges	Ord. 6/4/1990A, §7
18, 2, §208	Holding Tanks; Duties of Improved Property Owners	Ord. 6/4/1990A, §8
18, 2, §210	Holding Tanks; Abatement of Nuisances	Ord. 6/4/1990A, §10
18, 3, §302	Privies; Definitions	Ord. 6/4/1990B, §2
18, 3, §308	Privies; Exclusiveness of Rights and Privileges	Ord. 6/4/1990B, §8
18, 4, §402	Sanitation; Permit	Ord. 2/3/1986, §2
18, 4, §403	Sanitation; Permit Application	Ord. 2/3/1986, §3
18, 4, §406	Sanitation; Issuance of Permit	Ord. 2/3/1986, §6
18, 4, §407	Sanitation; Approval to Cover	Ord. 2/3/1986, §7
18, 4, §408	Sanitation; Hearing	Ord. 2/3/1986, §8
18, 4, §409	Sanitation; Revocation of Permit	Ord. 2/3/1986, §9
18, 4, §411	Sanitation; Fees	Ord. 2/3/1986, §11; Ord. 8/3/1987, §§1,2
18, 4, §412	Sanitation; Standards	Ord. 2/3/1986, §12
20, 1, §102	Slid Waste Disposal and Processing; Definitions	Ord. 6/22/1980, §2
20, 1, §119	Solid Waste; Waste Disposal and Processing; Fees	Ord. 6/22/1980, §19
21, 1, §101	Excavation of Streets; Permit Required	Ord. 6, §1
21, 2, §204	Driveways; Application	Ord. 12/5/1983, §4
21, 2, §205	Driveways; Fees	Ord. 12/5/1983, §5

Chapter, Part, Section	Subject	Ordinance No.
21, 2, §206	Driveways; Construction	Ord. 12/5/1983, §6

C. Repeals

Ordinance No.	Subject
Ord. 6/22/1980, §20	Solid Waste Disposal and Processing Tax

Section 6. Adoption of Standard Codes by Reference.

As a necessary part of codification, the following ordinances are hereby enacted by reference as standard codes summarized by short title:

Chapter, Part, Section	Short Title
	None

Section 7. Land Use Amendments.

The Township of Towanda Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapters 22 and 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by and additions shown by underline, all of which is briefly summarized hereinafter.

- A. New Provisions. The following provisions are new provisions which are being added to the Code, are underlined throughout the text, and are summarized as follows:

Chapter, Part, Section	Subject
	None

- B. Revised Provisions. The following provisions of the Code are revised, the text of which indicates deletions by strike-through and additions by underline, and are summarized as follows:

Chapter, Part, Section	Subject	Ordinance No.
27, 1, §101	Airport Zoning; Short Title	Ord. 29, §I
27, 1, §102	Airport Zoning; Definitions	Ord. 29, §II
27, 1, §103	Airport Zoning; Airport Zones	Ord. 29, §III
27, 1, §106	Airport Zoning; Nonconforming Uses	Ord. 29, §VI

Chapter, Part, Section	Subject	Ordinance No.
27, 1, §107	Airport Zoning; Permits	Ord. 29, §VII
27, 1, §110	Airport Zoning; Judicial Review	Ord. 29, §X
27, 1, §113	Airport Zoning; Amendments	Ord. 29, §XIII

- C. Repealed Provisions. The following provisions of the Code are repealed, the text of which indicates deletions by strike-through, and are as follows:

Chapter, Part, Section	Subject	Ordinance No.
	None	

Section 8. Procedural Changes.

The following minor procedural changes have been made to existing Township of Towanda ordinances:

- A. Grammatical and spelling errors have been corrected where necessary;
- B. Minor changes have been made to correct obsolete terms and usages;
- C. The penalty provisions have been revised where necessary to comply with the Pennsylvania Township Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances.

The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and subsection to be amended, revised, repealed or added as follows:

- A. Amendment or Revision – “Chapter ____, Part ____, Section ____, Subsection ____ is hereby amended [revised] to read as follows . . .”
- B. Additions – “Chapter ____, Part ____, Section ____, Subsection ____ is hereby amended by the addition of the following . . .”
- C. Repeal – “Chapter ____, Part ____, Section ____, Subsection ____ is hereby repealed in its entirety.”

Section 10. Responsibility for Code of Ordinances.

It shall be the responsibility of the Township of Towanda Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of

the Township of Towanda Code of Ordinances and shall be available for public inspection.

Section 11. Penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code of Ordinances in any manner which will intentionally misrepresent the laws of the Township of Towanda. Any person, firm or corporation who shall violate this Section, upon conviction thereof in an action brought before a District Justice in the manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs or such other penalties as may be authorized and imposed by law. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found or have been violated shall constitute a separate offense. Notwithstanding the same, the Township may seek enforcement by means of request for injunctive relief or other equitable remedies as may be provided by law in a court of competent jurisdiction.

Section 12. Severability of Parts of Codification.

It is hereby declared to be the intention of the Board of Supervisors that the Chapters, Parts, Sections, paragraphs, sentences, clauses and phrases of this codification are severable. If any Section, paragraph, sentence, clause or phrase of this Code is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining Chapters, Parts, Sections, paragraphs, sentences, clauses or phrases of this codification.

ENACTED AND ORDAINED THIS 9th day of July, 2001.

ATTEST: Township of Towanda

/s/ Jennifer Overpeck
Secretary

By /s/ Francis L. Lindsey
Chairman, Board of Supervisors