

ORDINANCE NO. 11-98

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE CITY OF HERMITAGE, MERCER 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 City of Hermitage hereby ordains:

§1. Adoption.

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

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Chapter 1	Administration and Government
Chapter 2	Animals
Chapter 3	Bicycles [Reserved]
Chapter 4	Buildings
Chapter 5	Code Enforcement
Chapter 6	Conduct
Chapter 7	Fire Prevention and Fire Protection
Chapter 8	Floodplain [Reserved]
Chapter 9	Grading and Excavating [Reserved]
Chapter 10	Health and Safety
Chapter 11	Housing
Chapter 12	Libraries
Chapter 13	Licenses, Permits and General Business Regulations
Chapter 14	Mobile Homes and Mobile Home Parks
Chapter 15	Motor Vehicles
Chapter 16	Parks and Recreation [Reserved]
Chapter 17	Planned Residential Development [Reserved]
Chapter 18	Sewers and Sewage Disposal
Chapter 19	Signs [Reserved]
Chapter 20	Solid Waste
Chapter 21	Streets and Sidewalks
Chapter 22	Subdivision and Land Development
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 City shall be authoritative.

§2. Citation and Effective Date.

The codification referred to in Section 1 of this ordinance shall be known and cited officially as the “City of Hermitage 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.

§3. Saving Clause.

The provisions of the City of Hermitage 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 City of Hermitage Code of Ordinances shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations.

§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 length	Motor Vehicles and Traffic	47-75, 2-76, 12-76, 14-76, 15-76, 16-76, 5-77,
10-77, 11-77, 13-77, 14-77, 16-77, 17-77, 7-78,		
11-78, 12-78, 13-78, 14-78, 15-78, 18-78, 20-78,		
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2-81, 4-81, 6-81, 12-81, 17-81, 21-81, 22-81, 23-81, 7-82, 8-82, 13-83,		
14-83, 1-84, 5-84, 9-84, 11-84, 6-85, 32-85, 1-88, 7-88, 3-89, 8-89, 9-89, 13-89, 15-89, 16-89, 20-89, 4-90, 9-90, 10-90, 2-91, 8-92, 9-92, 4-93, 7-93, 16-93, 8-94, 9-94, 13-95, 3-96, 4-96, 5-96, 6-96, 7-96, 21-96, 22-96, 26-96, 27-96, 28-96, 29-96, 30-96, 2-97, 6-97, 11-97, 12-97, 13-97, 14-97, 15-97		

B. Revisions

Chapter, Part, Section	Subject	Ordinance No.
1, 8, §§801-806	Fire Insurance Proceeds	5-93
6, 1, §§101-107	Curfew	14-56
6, 2, §§201-204	Prohibiting the Discharge of Firearms	9-61
13, 1, §§101-104	Circuses	1-49
24, 3, §§301-318	Realty Transfer Tax	5-66

§5. New Enactments, Amendments and Repeals.

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
1, 1, §134.1	Special Qualifications for the Operations Officer
1, 1, §154	Duties of the Deputy Fire Marshal

Chapter, Part, Section	Subject
1, 1, §154.1	Special Qualifications of the Deputy Fire Marshal
1, 1, §166	Duties of the Director of Planning and Development
1, 1, §167	Job Qualifications for the Director of Planning and Development
1, 1, §168	Community Development Division
1, 1, §169	Job Qualifications for the Community Development Administrator
1, 1, §177	Exceptions
15, Entire length	Motor Vehicles and Traffic

B. Amendments

Chapter, Part, Section	Subject	Ordinance No.
1, 1, §111	Department and Directors	51-75, §1; 18-83
1, 1, §131	Department of Police	51-75, §1; 17-76, §1(a)
1, 1, §132	Duties of Chief of Police	51-75, §1; 18-83
1, 1, §137	Duties of Juvenile Division	51-75, §1; 18-83
1, 1, §139	Powers of Police Officers	51-75, §1; 18-83
1, 1, §142	Special Qualifications for Deputy Chief of Police	51-75, §1; 17-76, §1(d)
1, 1, §151	Department of Fire/Rescue	51-75, §1; 18-83
1, 1, §152	Duties of Fire Marshal	51-75, §1; 18-83
1, 1, §153	Special Qualifications of Fire Marshal	51-75, §1
1, 1, §158	Engineering Division	51-75, §1; 18-83
1, 1, §165	Department of Planning and Development	51-75, §1
1, 1, §191	Definitions	51-75, §1; 4-76, §1; 18-82
1, 2, §201	Time and Place of Regular Monthly Meetings	11-68, §1; 3-91, §1
1, 2, §203	Expenses	53-75, §1; 18-81; 2-89, §1
1, 2, §212	Compensation	16-74, §1; Res. 6-89, §1; Res. 1-93, §1

Chapter, Part, Section	Subject	Ordinance No.
1, 4, §416	Powers and Duties	10-56, §6
1, 4, §452	Powers	4-84, §2
1, 4, §466	Chief Advisor	6-91, §1
1, 4, §473	Health Officer	4-89, §1
2, 1, §102	Purpose and Intent	28-66, §2
2, 1, §104	Definitions	28-66, §4
2, 1, §107	Notice to Owner	28-66, §7
2, 1, §108	Impoundment, Redemption and Disposition of Dogs Other Than Rabies Cases	28-66, §8
2, 1, §109	Confinement of Dogs	28-66, §9
2, 1, §111	Impoundment, Daily Board, Pick-up, Euthanasia and Vaccination	28-66, §13
2, 1, §112	Nuisances	28-66, §14
2, 1, §115	Notice of Violation	28-66, §17
2, 1, §116	Enforcement, Right of Entry	28-66, §16
5, 1, §101	Fire Prevention Code Adopted with Changes	6-76, §1; 3-84; 6-90
7, 1, §102	Authority at Fires and Other Emergencies	7-76, §4
7, 1, §103	Interference with Department of Fire/Rescue Operations	7-76, §5
7, 1, §105	Vehicles Crossing Fire Hose	7-76, §7
7, 1, §107	Operation of Vehicles on Approach of Authorized Emergency Vehicles	7-76, §9
7, 1, §108	Vehicles Following Fire Apparatus	7-76, §10
7, 1, §109	Unlawful Boarding or Tampering with Department of Fire/Rescue Emergency Equipment	7-76, §11
7, 1, §110	Damage, Injury to Department of Fire/Rescue	7-76, §12
7, 1, §111	Emergency Vehicle Operation	7-76, §13
7, 1, §112	Blocking Fire Hydrants and Department of Fire/Rescue Connections	7-76, §14
7, 1, §113	Hydrant Use Approval	7-76, §15

Chapter, Part, Section	Subject	Ordinance No.
7, 1, §117	Sale of Defective Fire Extinguishers	7-76, §19
7, 1, §118	Street Obstructions	7-76, §20; 18-83
13, 2, §202	Application; Fee	6-74, §2; 43-75, §1; 18-83
13, 2, §202	Application Fee	4-67, §2; 43-75, §1; 18-83
13, 3, §303	Application for License	5-82, §1
13, 3, §304	Issuance of License	5-82, §1
13, 3, §305	Bonds and Fees	5-82, §1
13, 3, §307	Transfer of License	5-82, §1
13, 3, §309	Prohibited Acts	5-82, §1
13, 3, §310	Exceptions	5-82, §1
13, 3, §311	Enforcement and Supervision	5-82, §1
13, 3, §312	Suspension and Revocation of License	5-82, §1
13, 3, §313	Notice of Revocation	5-82, §1
13, 4, §404	Permit Required; Fee; Conditions of Issuance	16-79, §4
13, 4, §406	Inspections of Systems	16-79, §1
13, 5, §502	License	9-92, §1
13, 5, §503	Fees	9-82, §1
13, 5, §506	Approval or Denial	9-82, §1
13, 5, §507	Regulations	9-82, §1
13, 5, §509	Revocation of License	9-82, §1
13, 7, §702	Definitions	2-96, §1
13, 7, §705	Application for and Issuance of Permit	2-96, §1
13, 7, §706	False Alarms	2-96, §1
13, 8, §807	Appeals	14-95, §7
14, 1, §103	Trailer Parking Outside a Trailer Park	11-56, §2; 18-83
14, 1, §104	Permit for Trailer Park	11-56, §3; 18-83
14, 1, §107	Trailer Park Standards	11-56, §6; 18-83
14, 1, §108	Operation of Trailer Parks	11-56, §7; 18-83

Chapter, Part, Section	Subject	Ordinance No.
18, 1, §131	Public Sewer Not Available	6-68, Art. IV, §1; 38-75, §1; 18-83
18, 1, §133	Compliance with Certain Regulations	6-68, Art. IV, §3; 38-75, §1; 18-83
18, 1, §162	Discharge of Unpolluted Drainage or Water	6-68, Art. VI, §1; 38-75, §§1 & 2
18, 1, §169	Examination of Water and Waste	6-68, Art. VI, §9; 38-75, §4
18, 3, §302	Connections to City Sewer System	11-70, §2; 18-83
18, 3, §305	Extraordinary Wastes Procedures	11-70, §5; 41-75, §1; 18-83
18, 4, §402	Permit Required for Installation	3-68, §2; 37-75, §1
18, 4, §405	Applicable Regulations	3-68, §5; 37-75, §1; 18-83
20, 1, §104	Transportation	18-70, §4; 42-75, §3; 1-86, §1
20, 1, §105	Disposal	18-70, §5; 42-75, §1; 19-86, §2
20, 1, §107	Noncompatible Hazardous Materials	18-70; 1-86, §2
20, 2, §203	Purpose and Goals	3-90, §3
20, 2, §205	Designated Site(s)	3-90, §6
20, 2, §208	Recycling by Operator	3-90, §8
21, 1, §101	Definitions	12-56, §1; 27-75, §§1, 3; 18-83; 4- 91, §1
21, 1, §102	Watercourses on Private Land	12-56, §2; 27-75, §§1, 3; 18-83
22, 2, §202	Definitions	18-91, §201; 3-93, §1
22, 7, §702	Preliminary Plan	18-91, §702
22, 8, §811	Stormwater Drainage	18-91, §811
22, 8, §814	Sanitary Sewer Systems	18-91, §814
22, 8, §815	Water	18-91, §815
22, 10, §1003	Water Supply	18-91, §1003
22, 10, §1004	Sanitary Sewage Conveyance	18-91, §1004
22, 11, §1106	Utility and Fire Requirements	18-91, §1106

Chapter, Part, Section	Subject	Ordinance No.
22, 13, §1301	Jurisdiction	18-91, §1301
24, 1, §101	Definitions	24-66, §1; 18-83
24, 1, §103	Receiver of Earned Income Tax	24-66, §3; 18-83
24, 1, §104	Returns and Payment of Tax	24-66, §4
24, 1, §105	Collection at Source	24-66, §5; 35-75, §§1, 2; 18-83
24, 1, §106	Enforcement	24-66, §6; 18-83
24, 1, §112	Collector of Tax	25-77, §1
24, 1, §113	Definitions	25-77, §1
24, 1, §114	Returns and Payment of Tax	25-77, §1
24, 1, §115	Collection at Source	25-77, §1
24, 1, §116	Enforcement	25-77, §1
24, 1, §119	Powers and Duties of Receiver of Earned Income Tax	25-77, §1
24, 1, §120	Compensation of Receiver of Earned Income Tax	25-77, §1
24, 6, §602	Definitions	2-85, §2; 19-85, §1
26, 1, §102	Stormwater Management Requirements	19-91, Part 2
26, 1, §103	Enforcement	19-91, Part 3
26, 1, §104	Definitions	19-91, Part 4
26, 2, §204	Abandoned Wells	8-64, §4; 33-75, §1; 18-83
27, 3, §308	Additional Criteria	20-91, §308
27, 4, §405	Height Limitations	20-91, §405
27, 4, §406	Performance Standards	20-91, §406
27, 8, §803	District Provisions	20-91, §803
27, 8, §855	Administration	20-91, §855
27, 8, §856	Permit Requirements	20-91, §856

C. Repeals

Chapter, Part, Section	Subject
28-66, §10 §12	Rabies; Vaccination Dog Biting

Chapter, Part, Section	Subject
7-69	Civil Emergency
12-75	Ambulance Service
51-75, §1 (1, §139)	Duties of Special Division
51-75, §1 (1, §140)	Duties of Special Fire Division
6-82	Loitering
8-84	Oil and Gas Well Drilling Regulations

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. Procedural Changes.

The following minor procedural changes have been made to existing City 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 Third Class Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 8. 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 9. Responsibility for Code of Ordinances.

It shall be the responsibility of the City Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the City of Hermitage Code of Ordinances and shall be available for public inspection.

Section 10. 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 City. Whosoever shall violate this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs or, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days.

Section 11. Severability of Parts of Codification.

It is hereby declared to be the intention of the Board of Commissioners 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 23
day of September, 1998.

CITY OF HERMITAGE

By: /s/ Dr. John V. Coupland
President

ATTEST:

/s/ Gary P. Hinkson
Secretary