

Code of Ordinances of the Borough of Portage

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Code revised and supplemented by Keystone Publishers, Inc., through:

March 5, 2007

June 7, 2010

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Key to the Disposition of All Ordinances

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Officials
of the
Borough of Portage
County of Cambria
Pennsylvania

ELECTED OFFICIALS

BOROUGH COUNCIL

President	- Sharon McCarthy
Vice President	- George Wozniak
Council	- James Kissell
	- Rebecca Chobany
	- Raymond Vandzura
	- Martin Slanoc
Mayor	- Robert A. Fox
Tax Collector	- Joanne Redfern
Auditor	- Dennis Kotzan

APPOINTED OFFICIALS

Manager	- Robert A. Koban
Secretary	- Michelle Claar
Solicitor	- Michael Emerick
Engineer	- Stiffler and McGraw

FOREWORD

History

This comprises the codification of the ordinances of the Borough of Portage. The Borough of Portage was incorporated as a Borough on October 7, 1890 from parts of Portage Township.

The Code of Ordinances of the Borough of Portage was prepared by Penns Valley Publishers, a division of Fry Communications, Inc., and adopted by the Borough Council on April 5, 1999, by Ordinance Number 3-1999.

Organization

The Code contains four parts which are (1) the valid current ordinances of the Borough contained in Chapters 1 through 27, (2) the Appendix, which lists by abstracted title all ordinances of a temporary or "one time" nature, (3) the Key to the disposition of each ordinance ever enacted by the Borough, and (4) the Index, which is an alphabetical arrangement of subjects.

In the Code each Chapter is separated by a divider tab, and specific ordinances can be located by subject on the contents page at the beginning of each Chapter. The Index may also be used to search for a subject when one is looking for general information on a particular subject, or if it is not known in which Chapter the subject might be found. The Appendix consists of several general categories containing a chronological listing of short subject descriptions along with a reference to the original ordinance and its date of enactment, if known.

The Key to disposition indicates what action has been taken by the Borough Council with regard to every ordinance ever enacted. An ordinance has either been: (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix. Annual tax rate and budget ordinances are located only in the Key. The Key is a cross reference to the original ordinance books of the Borough, and to the location within the Code of each ordinance by number.

ORDINANCE NO. 3-1999

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES OF THE BOROUGH OF PORTAGE, CAMBRIA 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 Borough of Portage hereby ordains:

Section 1. Adoption. The "Code of Ordinances, Borough of Portage," as prepared and published for the said Borough, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough of Portage. Chapters 1 through 27 thereof contain the text of the body of all general administrative and regulatory ordinances of the Borough 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 [Reserved]
Chapter 6	Conduct
Chapter 7	Fire Prevention and Fire Protection [Reserved]
Chapter 8	Floodplains
Chapter 9	Grading and Excavating [Reserved]
Chapter 10	Health and Safety
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
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
Chapter 26	Water
Chapter 27	Zoning [Reserved]

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 Borough of Portage 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 "Borough of Portage 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 Borough of Portage 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 Borough of Portage 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

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
Chapter 15, Entire Chapter	Motor Vehicles and Traffic	Ord. 200, Art. VI, §7, Art. VII, Art. VIII, 213; 277; 279; 1-1976; 1-1978; 2-1980; 5-1980; 2-1981; 1-1983; 1-1984; 3-1984; 2-1985; 2-1986; 3-1986; 4-1986; 1-1987; 6-1994; 7-1994; 9/6/1994; 9/7/1994; 2/6/1995; 6/5/1995

B. Revisions

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
1, 6, §§601-606	Fire Insurance Proceeds	Ord. 5-1996
6, 3, §§301-304	Consumption of Alcoholic Beverages in Public Places	Ord. 3-1980
13, 4, §§401-404	Transient Amusements	Ord. 200, Art. VI, §6
24, 3, §§301-307	Earned Income and Net Profits Tax	Ord. 261

Section 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

<u>Chapter,Part,Section</u>	<u>Subject</u>
1, 4A, §§401-403	Volunteer Firemen's Relief Association
6, 2, §§201-204	Discharge of Firearms
13, 3, §§301-309	Transient Retail Businesses
15, Entire Chapter	Motor Vehicles and Traffic
21, 1, §§101-119	Street Excavations
21, 2, §§201-210	Street Obstructions

B. Amendments

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
1, 1B, §107	Administrative Code; Council Organization and Procedure; Meetings	Ord. 3-1996, §203
1, 1B, §117	Administrative Code; Council Organization and Procedure; Recording of Ordinances and Resolutions	Ord. 3-1996, §212
1, 1H, §154	Administrative Code; Personnel; Personnel System Based Upon Permit	Ord 3-1996, §804
1, 5, §501	Planning Commission; Creation of Planning Commission	Ord. 241, §1; Ord. 270, §1
1, 5, §504	Planning Commission; Powers and Duties	Ord. 241, §4; Ord. 270, §2
1, 5, §505	Planning Commission; Approval of Plans, Plots and Replots	Ord. 241, §5
1, 5, 508	Planning Commission; Appointment of Members	Ord. 241; Ord. 270, §3
2, 1, §104	Animal Nuisances; Defecation Control	Ord. 5-1989, §4

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
4, 1, §102	Dangerous Buildings; Nuisances	Ord. 3-1981, §2
4, 1, §107	Dangerous Buildings; Enforcement Procedures	Ord. 3-1981, §7; Ord 1-1985
4, 2, §209	Building Permits; Fees	Ord. 320, §9
6, 1, §105	Curfew; Unlawful Conduct of Owners or Proprietors	Ord. 301, §5
6, 1, §107	Curfew; Enforcement and Penalties	Ord. 301, §7; Ord. 316, §7
8, 2, §202	Floodplains; Issuance of Building Permit	Ord. 3-1982, §2.01
8, 2, §203	Floodplains; Application Procedures and Requirements	Ord. 3-1982, §2.02; Ord. 11/6/1989
8, 2, §210	Floodplains; Fees	Ord. 3-1982, §2.09
8, 4, §401	Floodplains; General Technical Requirements; General	Ord. 3-1982, §4.00; Ord. 11/6/1989
8, 4, §403	Floodplains; General Technical Requirements; Development Which May Endanger Human Life	Ord. 3-1982, §4.02
8, 5, §501	Floodplains; Activities Requiring Special Permits; General	Ord. 3-1982, §5.00; Ord. 11/6/1989
8, 5, §503	Floodplains; Activities Requiring Special Permits; Application Review Procedures	Ord. 3-1982, §5.02
8, 5, §504	Floodplains; Activities Requiring Special Permits; Special Technical Requirements	Ord. 3-1982, §5.03
10, 1, §104	Public Nuisances; Exclusions	Ord. 306, §4
10, 1, §105	Public Nuisances; Enforcement	Ord. 306, §5; Ord. 2-1978
13, 1, §103	Mechanical Amusement Devices; License Required	Ord. 218, §3
13, 1, §105	Mechanical Amusement Devices; License Fees	Ord. 218, §6; Ord. 4-1982; Ord. 3-1985
13, 1, §106	Mechanical Amusement Devices; Display of License	Ord. 218, §7

<u>Chapter,Part,Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
13, 1, §108	Mechanical Amusement Devices; Revocation of License	Ord. 218, §9
13, 5, §505	Contractor's Registration; Fee	Ord. 2-1998, §5
20, 1, §102	Solid Waste; Definitions	Ord. 1-1993, §2
20, 1, §105	Solid Waste; Standards and Regulations for Collection and Transportation	Ord. 1-1993, §5
20, 1, §106	Solid Waste; Collection and Disposal Charges	Ord. 1-1993, §6
20, 1, §108	Solid Waste; Injunction Powers	Ord. 1-1993, §8
21, 3, §302	Construction and Repair of Sidewalks and Curbs; Permit	Ord. 200, Art. IV, §2
21, 3, §304	Construction and Repair of Sidewalks and Curbs; Failure to Comply; Remedies	Ord. 200, Art. IV, §2
24, 1, §104	Realty Transfer Tax; Imposition of Tax; Interest	Ord. 3-1987, §4
24, 1, §117	Realty Transfer Tax; Regulations	Ord. 3-1987, §17
26, 1B, §112	Little Conemaugh River Watershed Stormwater Management Plan; Definitions	Ord. 1-1995, §202
26, 1C, §121	Little Conemaugh River Watershed Stormwater Management Plan; Stormwater Management Requirements; General Requirements	Ord. 1-1995, §301
26, 1C, §122	Little Conemaugh River Watershed Stormwater Management Plan; Stormwater Management Requirements; Technical Requirements	Ord. 1-1995, §302
26, 1G, §163	Little Conemaugh River Watershed Stormwater Management Plan; Fees and Expenses; Schedule of Fees	Ord. 1-1995, §703

C. Repeals

<u>Chapter,Part,Section</u>	<u>Subject</u>
6	Openings of State Highways
200, Art. VI, §§8,9	Poles, Mains and Pipes
200, Art. X, §§1-7	Fire Limits
200, Art. XII, §1	Animals Running at Large
200, Art. XII, §6	Chimneys
200, Art. XII, §8	Pig Pens

<u>Chapter,Part,Section</u>	<u>Subject</u>
215	Registration and Licensing of Bicycles
218, §§5,10	Mechanical Amusement Devices
224	Department of Borough Planning
239	Signs
255	Dogs Running at Large
292	Befouling of Streets
302	Real Estate Registry
303	Registration and Licensing of Bicycles
3-1981, §9	Dangerous Buildings; Emergency Cases

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:

<u>Chapter,Part,Section</u>	<u>Short Title</u>
None	

Section 7. Procedural Changes. The following minor procedural changes have been made to existing Borough 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 Borough 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 Borough Secretary to maintain an up-to-date certified copy of the Code of Ordinances. This copy shall be the official copy of the Borough of Portage Code of Ordinances and shall be available for public inspection.

Section 10. Penalties. The penalty for the violation of any ordinance shall not exceed \$600 for each violation, or 30 days imprisonment in default of payment of fine. A first offense shall be at least \$50, the second offense \$100, the third offense \$200, and so forth to the maximum of \$600 for each offense. However, any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such. The limit of fines may be increased by Council to the extent of the maximum fine that may be levied by any noncharter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly. Council may, at its will, change the maximum fine for violation of ordinances.

Section 11. Severability of Parts of Codification. It is hereby declared to be the intention of the Borough Council 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 5th day

of April, 1999.

BOROUGH OF PORTAGE

By /s/ Sharon M. McCarthy
President, Borough Council

ATTEST:

/s/ Joyce A. Frerch
Secretary

APPROVED THIS 5th day

of April, 1999.

By /s/ Edna Greathouse
Mayor

FEE SCHEDULE

SUBJECT	FEES
AMUSEMENT LICENSES (13, §401)	free
BUILDING PERMIT FEES (8, §210)	
1. Filing Fee	\$15.00
2. Additional fee per square feet of construction	\$0.15
3. Remodeling (strictly exterior) requires a building permit. If the existing structure is not increased in size, the total fee is \$15.00. Improvements include window installation or replacement, siding, soffit, fascia, porches and decks. If a structure is replaced with a larger structure, the additional fee applies to the building permit filing fee.	
<p>Note: A building permit is required for all improvements and/or remodeling except for roof replacement or improvements beyond the extent of damage as a result of fire and natural catastrophe.</p>	
CHECKS RETURNED FOR INSUFFICIENT FUNDS	\$25.00 each
CONTRACTORS	
1. Annual license (includes two decals)	\$100.00
2. Additional decals	\$1.00 each
3. Contractors of all business trades must be licensed, including general, subcontractors, electric, plumbing, masonry, signs, HVAC, landscaping, roofing, siding, bath and kitchen, tile and carpet, excavating and foundation laying, demolition and remodeling.	
4. Only licensed contractors may operate in the Borough. Every vehicle operated by a licensed contractor must display a current Borough license decal, must provide proof of current liability insurance (or a waiver signed by the property owner) and property damage insurance of at least \$300,000.	
FACSIMILES	\$1.00 per page
LITTLE CONEMAUGH RIVER WATERSHED STORMWATER MANAGEMENT PLAN (26, §161)	
1. Filing fee (costs to cover distribution of plans to Engineer, County)	\$30.00
2. Planning Commission Fees	
A. Cambria County Planning Commission	None

SUBJECT

FEES

- B. Portage Area Planning Commission \$35.00
- 3. Engineering Fees
 - A. Design Review. Engineering fees for review will be in accordance with the current agreement between the Borough and its Engineer. Actual costs of all fees and expenses will be billed through the Borough and will be the responsibility of the applicant. The Borough may require a deposit to be held in escrow to secure payment of fees and expenses.
 - B. Onsite Inspection and Testing Services. Inspection and testing fees will be in accordance with the current agreement between the Borough and its Engineer. Actual costs of all fees and expenses will be billed through the Borough and will be the responsibility of the applicant. The Borough may require a deposit to be held in escrow to secure payment of fees and expenses.
- 4. Legal Fees. All costs associated with the preparation of reimbursement agreements for engineering review and inspection and testing will be in accordance with the Borough’s current agreement with its Solicitor and will be the responsibility of the applicant. The Borough may require a deposit to be held in escrow to secure payment of fees and expenses.

A tabulation of hourly rates will be available upon request from the Borough Secretary.

MECHANICAL AMUSEMENT DEVICES LICENSES (13, §106)

- 1. Juke Boxes
 - A. First juke box \$50.00
 - B. Each additional juke box \$50.00
- 2. Amusement devices, mechanical, electrical or electronic
 - A. First machine \$75.00
 - B. Each additional machine \$50.00

PARKING

- 1. Monthly permit \$5.00 per space

PHOTOCOPIES

\$0.25 each page

SANITATION SERVICES (for a 3-year period commencing January 1, 2010, through December 31, 2012)

	2010	2011	2012
Curbside - (monthly billing)	\$13.85	\$13.85	\$13.85

SUBJECT	FEES		
Curbside - (quarterly)	\$41.55	\$41.55	\$41.55
Pre-paid bag service in pack of 10	\$30.00	\$30.00	\$30.00

[Res. 10-2009]

SIDEWALK OBSTRUCTION

1. Per day \$5.00
2. Permit required to obstruct sidewalk for construction remodeling or other purpose.

STREET EXCAVATION PERMIT (21, §104)

1. Fees will be charged in accordance with the Pennsylvania Department of Transportation schedule then in effect.

TRANSIENT RETAIL BUSINESS LICENSE (13, §302)

1. Permit \$25.00
Plus \$5.00 per day per organization
Plus, \$1.00 per person

(Res. 2-1998, 4/6/1998; as amended by Res. 15-2003, 12/1/2003; by Res. 10-2006, 2/6/2006; and by Res. 10-2009, 12/18/2009)

