

AGENDA
POCONO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
MAY 14th 2018 - 7:00 p.m.

A. CALL TO ORDER (followed by the Pledge of Allegiance)

B. ROLL CALL

C. NOTIFICATIONS OF COMMENTS

D. CORRESPONDENCE:

E. MINUTES: Minutes of the Pocono Township Planning Commission Meeting - 04/23/2018.

F. NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW:

G. FINAL PLANS UNDER CONSIDERATION:

1. Ertle Enterprises Auto Sales LDP - Plan was denied by the Board of Commissioners at the 04/30/2018 due to the applicant's failure to meet the requirements of the Pocono Township governing ordinance identified in the Township Engineer's letter dated 03/08/2018. Resolution 2018-38

H. PRELIMINARY PLANS UNDER CONSIDERATION:

1. Sheldon Kopelson, Commercial Development (Lot 3) - Plans were administratively accepted at the 8/13/2013 P.C. Mtg. The configuration of the minor subdivision is dependent on the Rt. 715 realignment. Tabled at the 03/26/2018 P.C. Mtg. A resubmission has not occurred. Deadline for P.C. consideration extended to 06/11/2018.

2. Spa Castle Land Development - Land Development on Birchwood Road. The plans were administratively accepted at the 12/14/2015 P.C. Mtg. Tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 10/20/2018. Deadline for P.C. consideration is 10/08/2018.

3. Running Lane Land Development Plan and Minor Subdivision/Lot Combination Plan - The plans were administratively accepted at the 08/14/2017 P.C. Mtg. Plans were tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 07/30/2018. Deadline for P.C. consideration is extended to 07/09/2018.

2. Pocono Logistics LDP - Plan fees paid. Plans were accepted at the 03/26/2018 P.C. Mtg. Deadline for P.C. consideration is 06/24/2018. Twp. Engineer's review letter dated 04/19/2018 was received.

SKETCH PLANS:

PRESENTATION OF SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL, APPLICATIONS:

ORDINANCES:

1) Codification Ordinance and schedule

UNFINISHED BUSINESS:

NEW BUSINESS:

For Discussion:

Yard Sales Ordinance

Medical Marijuana Ordinance

COMMENTS BY AUDIENCE:

ADJOURNMENT:

POCONO TOWNSHIP PLAN STATUS

Project Name (Acceptance Date)	Application Type	Prelim/Final	Review Period Expires	Last PC Mtg	Last BOC Mtg	Latest Comment Letter	Last Meeting Tabled	PC Recommend Approve/Deny	BOC Approved/Rejected
Kopelson Lot 3 Land Development (8/13/13)	Commercial Land Dev	Prelim	6/30/2018	6/11/2018	6/18/2018	unknown date	4/23/2018		
Spa Castle Land Development (Prelim) (12/14/15)	Commercial Land Dev	Prelim	10/20/2018	10/8/2018	10/15/2018	Planning Rev 9/9/16 Technical Rev 11/9/16	4/23/2018		
Running Lane LDP (8/14/17) *Submitted one application	Land Dev	Prelim	7/30/2018	7/9/2018	7/16/2018	5/10/2018	4/23/2018		
Running Lane LDP (8/14/17)	Lot Combo	Prelim	7/30/2018	7/9/2018	7/16/2018	5/10/2018	4/23/2018		
Ertle Enterprises Auto Sales (02/12/2018)	Land Dev	Prelim/Final	5/13/2018	4/23/2018	5/7/2018	3/8/2018	2/26/2018	Recommended for Denial 04/23/2018	LDP Denied at the 04/30/2018 BOC Mtg.
Pocono Logistics (03/26/2018)	Land Dev	Prelim/Final	6/24/2018	6/11/2018	6/18/2018	4/19/2018	4/23/2018		

POCONO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 23, 2018
7:00 p.m.

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The Pocono Township Planning Commission Regular Meeting was held on April 23, 2018 at the Pocono Township Municipal Building, Tannersville, PA, and opened by Chairman Ron Swink at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL: Ron Swink, present; Scott Gilliland, present; Dennis Purcell, present; Bob DeYoung, absent; Marie Guidry, absent; Jeremy Sawicki, present; and Chad Kilby, present.

Lisa Pereira, Twp. Solicitor; Jon Tresslar, Twp. Engineer; and Donna Asure, Twp. Manager, were present.

NOTIFICATION OF COMMENTS: None

CORRESPONDENCE:

1. A time extension was received on 04/06/2018 for Running Lane Land Development & Subdivision plan, for an extension until 07/30/2018.

MINUTES: Scott Gilliland made a motion, seconded by Dennis Purcell, to approve the minutes of 03/26/2018. All in favor.
Motion Carried.

NEW PLANS AND SUBMISSIONS: None

FINAL PLANS UNDER CONSIDERATION:

1. Ertle Enterprises Auto Sales LDP - Plan fees paid. Plans were accepted at the 02/12/2018 P.C. Mtg. Plans were tabled at the 03/26/2018 P.C. Mtg. **Deadline for P.C. consideration is 04/23/2018.** Twp. Engineer Letter dated 03/08/2018 received.

Scott Gilliland made a motion, seconded by Dennis Purcell, to deny the plan for failure to comply with the Twp. Engineer's letter dated March 8, 2018 unless an extension is provided before the next Board of Commissioners meeting on April 30, 2018. All in favor. Motion Carried.

PRELIMINARY PLANS UNDER CONSIDERATION:

1. Sheldon Kopelson, Commercial Development (Lot 3) - Plans were administratively accepted at the 08/13/2013 P.C. Mtg. The configuration of the minor subdivision is dependent on the

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Rt. 715 realignment. Tabled at the 03/26/2018 P.C. Mtg. A resubmission has not occurred. Deadline for P.C. consideration extended to 06/11/2018.

Jeremy Sawicki made a motion, seconded by Scott Gilliland, to table Sheldon Kopelson, Commercial Development (Lot 3). All in favor. Motion Carried.

2. Spa Castle Land Development - Land Development on Birchwood Road. The plans were administratively accepted at the 12/14/2015 P.C. Mtg. Tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 10/20/2018. Deadline for P.C. consideration is 10/08/2018.

Dennis Purcell made a motion, seconded by Jeremy Sawicki, to table Spa Castle Land Development. All in favor. Motion Carried.

3. Running Lane Land Development Plan and Minor Subdivision / Lot Combination Plan - The plans were administratively accepted at the 08/14/2017 P.C. Mtg. Plans were tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 07/30/2018. Deadline for P.C. consideration is extended to 07/09/2018.

Chad Kilby indicated that after reviewing the plans given back to the fire company, he inspected the rear parking lot and noted they did not convert to the parallel parking spots. Instead, the turn angles were widened which would still restrict the ladder apparatus setting up in the rear of that building. Discussion followed.

Jeremy Sawicki made a motion, seconded by Dennis Purcell, to table the Running Lane Land Development Plan and Minor Subdivision/Lot Combination Plan. All in favor. Motion Carried.

4. Pocono Logistics LDP - Plan fees paid. Plans were accepted at the 03/26/2018 P.C. Mtg. Deadline for P.C. consideration is 06/11/2018. Twp. Engineer letter dated 04/19/2018 received.

Dennis Purcell made a motion, seconded by Scott Gilliland, to table the Pocono Logistics LDP. All in favor. Motion Carried.

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SKETCH PLANS: None

**PRESENTATION OF VARIANCE, SPECIAL EXCEPTIONS, CONDITIONAL USE,
ET AL, APPLICATIONS:** None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

COMMENTS BY AUDIENCE: None

ADJOURNMENT:

Dennis Purcell made a motion, seconded by Jeremy Sawicki, to adjourn the meeting at 7:09 p.m. until 05/14/2018 at 7:00 p.m.
All in favor. Motion Carried.

LAW OFFICES
BROUGHAL & DEVITO, L.L.P.

38 WEST MARKET STREET
BETHLEHEM, PENNSYLVANIA 18018-5703

JAMES L. BROUGHAL
LEO V. DEVITO, JR.
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April 25, 2018

VIA EMAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Patricia Meadus, Legal Clerk
Pocono Mountains Media Group
511 Lenox Street
Stroudsburg, PA 18360

***RE: Pocono Township- Advertisement of Legal Notice
Ordinance: Introduction of Code Adoption Ordinance***

Dear Ms. Meadus:

With respect to the above matter, enclosed please find a Legal Notice to be advertised one (1) time in your periodical on ***Monday, April 30, 2018.***

Please send proof of publication and the invoice to:

Pam Tripus, Township Secretary
112 Township Drive
PO Box 197
Tannersville, PA 18372

Also, enclosed is a certified copy of the proposed Ordinance for your records only (**not to be advertised**). Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Lisa A. Pereira

Enclosures

cc: Donna Asure, Township Manager (Via Electronic Mail, w/encl.)

LEGAL NOTICE

NOTICE is hereby given that the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, will consider at a Public Meeting to be held at 7:00 p.m. on the 15th day of May 2018, at the Pocono Township Municipal Building, 112 Township Drive, Tannersville, Pennsylvania 18372, the proposed codification and proposed Code Adoption Ordinance for Pocono Township's Code of Ordinances. Copies of the proposed codification and Code Adoption Ordinance are available for review at the Pocono Township Municipal Building located at 112 Township Drive, Tannersville, Pennsylvania 18372, during normal business hours.

Leo V. DeVito, Jr., Solicitor
Pocono Township
38 West Market Street
Bethlehem, PA 18018

Township of Pocono Code Adoption Ordinance

Schedule A Specific Revisions at Time of Adoption of Code

Standard Summary Offense Penalty

Throughout this Schedule A, references to "standard summary offense" indicate that penalty wording is revised to reflect substantially the following provisions as authorized by statute:

This ordinance shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this ordinance shall, upon conviction in a summary proceeding, pay a fine of not more than \$1,000, plus the costs of prosecution, and, in default of the payment of the fine and costs of prosecution, shall be imprisoned for a period not exceeding 30 days.

Chapter 28, Officers and Employees.

Article I, Tax Collector.

Section 28-6B is amended, in part, as indicated "... for providing certification of payment or nonpayment of Township taxes a fee as established from time to time by resolution of the Board of Commissioners."

Chapter 37, Planning Commission.

- A. Section 37-1 is amended as indicated: "This chapter shall be known as the "Township Planning Commission Ordinance."
- B. Section 37-2B is added to read as follows: "The Planning Commission shall be comprised of seven members who shall be appointed for terms of office of four years, except that no more than two members shall be reappointed or replaced during any future calendar year."

Chapter 41, Police Department.

Section 41-1 is amended, in part, as indicated: "In accordance with Section 590-53 P.S. § 56505 of the Second First Class Township Code,"

Chapter 129, Burning, Open.

- A. Section 129-3 is amended, in part, as indicated: "...under the authority granted by ~~§ 1506, § 1529 and § 1601 of the Pennsylvania Second First Class Township Code in 53 P.S. § 66506, § 66529 and § 66601 56566.~~"
- B. Section 129-8C is amended to reflect the standard summary offense penalty.

Chapter 145, Construction Codes, Uniform.

Article I, Building Construction.

Section 145-4A is amended to change "municipal code official" to "Building Code Official."

Chapter 164, Drug Paraphernalia.

Section 164-5 is amended to reflect the standard summary offense penalty.

Chapter 197, Fire Lanes.

Section 197-8A is amended to reflect the standard summary offense penalty.

Chapter 205, Floodplain Management.

- A. Section 205-14B(1) is amended to reflect the standard summary offense penalty.
- B. In § 205-37, the definition for "pre-FIRM structure" is amended as indicated: "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 August 5, 1986, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.~~"

Chapter 212, Furnaces, Outdoor.

Section 212-3 is amended, in part, as indicated: "...under the authority granted by ~~§ 1506, § 1529 and § 1601 of the Pennsylvania Second First Class Township Code, 53 P.S. § 66506, § 66529 and § 66601 53 P.S. § 55101 et seq.~~"

Chapter 230, Insurance Proceeds, Emergency Responses and Alarms.

- A. Section 230-4E is added to read as follows: "This chapter shall not be construed to require reimbursement to the Township for those municipal services normally provided to the Township residents and others as a matter of the Township's

general operating procedure and for which the levying of taxes or for which the demand for reimbursement is normally made under the provisions of other Township ordinances.”

- B. Section 230-5F(2) is amended to change “six-month period” to “twelve-month period” where appearing.
- C. Section 230-5G(1) is amended to reflect the standard summary offense penalty for violations of § 230-5.
- D. Section 230-5G(2) is amended to revise references to a six-month time frame throughout to refer to 12 months.

Chapter 288, Peddling and Soliciting.

- A. Section 288-1, Definitions, is added to read as follows:

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

PEDDLING, SOLICITING AND HAWKING — Transient merchants engaging in peddling, canvassing, soliciting, hawking or taking of orders, either by sample or otherwise, for any goods, wares, services or merchandise from any property, upon any of the streets or sidewalks or from house to house within the Township of Pocono; provided, however, that the words "peddling, soliciting and hawking" shall not apply to farmers selling their own produce; or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose; or the transaction of business by insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of the Commonwealth of Pennsylvania.

PERSON — Any natural person, association, partnership, firm, corporation or other legal entity.

- B. Section 288-2 is amended to delete the phrase “door to door” therefrom.
- C. Section 288-6 is amended to reflect the standard summary offense penalty.

Chapter 324, Secondhand Dealers.

- A. Section 324-2A(3) is added to read as follows: “Notwithstanding the foregoing, any business required by state law under 63 P.S. § 281-1 et seq. will still be required to obtain a license from the Secretary of Banking and conform to other requirements under that Act in addition to the requirements in this chapter.”

- B. Section 324-3A and B are amended to change "Township Zoning Officer/Codes Enforcement Officer" to "Township Zoning Officer."
- C. Section 324-4A is amended to reflect the standard summary offense penalty.

Chapter 333, Sewers and Sewage Disposal.

Article I, Sewage Systems.

Article I is amended in its entirety to read as follows:

ARTICLE I Sewage Systems

§ 333-1. Definitions.

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

AGGREGATE — Coarse material manufactured from stone, gravel or slag, having Type B characteristics as described in Department of Transportation specifications, Form 408, Section 703.3, Table B, and uniform size and grading equivalent to American Association of State Highway and Transportation Officials No. 57, as described in Form 408, Section 703.3, Table C.

AGRICULTURAL AREAS — Areas used primarily for the production of crops and where the soil is without vegetative cover during certain periods of the year.

ALTERNATE SEWAGE SYSTEM — A method of demonstrated on-lot sewage treatment and disposal not described in this part.

BONDED DISPOSAL SYSTEM — An individual sewage system located on a single lot serving a single-family residence, where soil mottling is within 20 inches of the mineral soil surface, the installation, operation and replacement of which is guaranteed by the property owner.

BUILDING SEWER — Piping carrying liquid wastes from a building to the treatment tank or holding tank.

BURIED SAND FILTER — A system of piping, sand media, aggregate and collection piping in a buried liner used for the intermittent filtration and biochemical treatment of sewage.

CLEAN STREAMS LAW — The Clean Streams Law (35 P.S. § 691.1 to 691.1001).

CONVENTIONAL SEWAGE SYSTEM — A system employing the use of

demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized by this article. The term does not include alternate or experimental sewage systems.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania.

DOSING PUMP — The pump housed in a dosing tank which provides a measured volume of sewage effluent to the pressurized distribution system in an absorption area.

EQUIVALENT DWELLING UNIT — For the purpose of determining the number of lots in a subdivision only as it relates to the determination of planning exemptions and fees for planning module reviews under this article, that part of a multiple-family dwelling or commercial or industrial establishment with flows equal to 400 gallons per day (GPD). These flow figures are not intended to be used for the calculation of flows for the design of community sewerage systems or for the allocation of flows related to community sewerage systems. Community sewerage system flows for design and permitting purposes shall be calculated using the procedures established in the Department's Domestic Wastewater Facilities Manual (DEP-1357).

EXPERIMENTAL SEWAGE SYSTEM — A method of on-lot sewage treatment and disposal not described in this article which is proposed for the purpose of testing and observation.

FILTER TANK — The tank housing the piping and sand of the free-access sand filter.

FORESTED AREAS — Areas where the predominant vegetative cover is comprised of trees with a closed canopy.

FREE-ACCESS SAND FILTER — An accessible system of tanks, dose piping, sand media, aggregate and collection piping used for the intermittent filtration and biochemical treatment of sewage.

GEOTEXTILE — Material consisting of mesh polypropylene, polyester, nylon or similar material, used to prevent migration of fine aggregate into coarser aggregate.

GRASSED AREA — An area where the predominant vegetative cover is comprised of grasses, bushes or trees not forming a closed canopy.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM — An individual sewage system which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

INDIVIDUAL SEWAGE SYSTEM — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in

whole or in part into the soil or into waters of this commonwealth or by means of conveyance to another site for final disposal.

INDUSTRIAL WASTE — *A liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. The term includes substances whether or not generally characterized as waste.*

LIFT PUMP — *A submersible pump used to convey effluent to the sand filter and from the sand filter to the chlorine/retention tank.*

LIMITING ZONE — *A soil horizon or condition in the soil profile or underlying strata which includes one of the following:*

A. *A seasonal high-water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.*

B. *A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.*

C. *A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.*

LOCAL AGENCY — *A municipality (or any combination of municipalities acting cooperatively or jointly under the laws of the commonwealth), county, county department of health or joint county department of health.*

LOT — *A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple-family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single-family residential lots as determined by estimated sewage flows.*

MUNICIPALITY — *A city, incorporated town, township, borough or home rule municipality other than a county.*

NSF — *National Sanitation Foundation.*

OFFICIAL PLAN — *A Comprehensive Plan for the provision of adequate sewage systems adopted by a municipality possessing authority over the provision of the systems and submitted to and approved by the Department as provided by the Pennsylvania Sewage Facilities Act (35 P. S. § 750.1 et seq.) and 25 Pa. Code Ch. 71 (relating to administration of sewage facilities program).*

PERMIT ISSUANCE

A. *No person may install, award a contract for construction or construct an individual or community on-lot sewage system or install, construct, occupy or use a building to be served by that system without first obtaining a permit from the local agency, except as provided in Subsections C through E.*

B. *A permit shall be required by the local agency for alterations or connections to an existing individual or community on-lot sewage system when the alteration or connection requires the repair, replacement or enlargement of a treatment tank or retention tank or the repair, replacement, disturbance, modification or enlargement of a soil absorption area or spray field or the soil within or under the soil absorption area or spray field.*

PERSON — *Includes an individual; association; public or private corporation for profit or not for profit; partnership; firm; trust; estate; department; board; bureau or agency of the United States or the commonwealth; political subdivision; municipality; district; authority; or other legal entity which is recognized by law as the subject of rights and duties. The term includes the members of an association, partnership or firm and the officers of a local agency or municipal, public or private corporation for-profit or not-for-profit.*

QUALIFIED REGISTERED PROFESSIONAL ENGINEER — *A person registered to practice engineering in this commonwealth who has experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of on-lot sewage disposal systems.*

QUALIFIED REGISTERED PROFESSIONAL GEOLOGIST — *A person registered to practice geology in this commonwealth who has experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of on-lot sewage disposal systems.*

QUALIFIED SOIL SCIENTIST — *A person certified as a sewage enforcement officer and who has documented two years' experience in the characterization, classification, mapping and interpretation of soils as they relate to the function of on-lot sewage disposal systems and either a bachelor of science degree in soils science from an accredited college or university or certification by the American Registry of Certified Professionals in Agronomy, Crops and Soils.*

RETAINING TANK — *A watertight receptacle, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes the following:*

A. **CHEMICAL TOILET** — *A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.*

B. *HOLDING TANK* — A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system.

C. *PRIVY* — A tank designed to receive sewage where water under pressure is not available.

D. *INCINERATING TOILET* — A device capable of reducing waste materials to ashes.

E. *COMPOSTING TOILET* — A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

F. *RECYCLING TOILET* — A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

SEWAGE — A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the public health, to animal or aquatic life or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under the Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER — An official of the local agency who reviews permit applications and sewage facilities planning modules and issues permits as authorized by the Pennsylvania Sewage Facilities Act (35 P. S. § 750.1 et seq.) and conducts the investigations and inspections that are necessary to implement the Act and regulations thereunder.

SEWAGE FACILITIES — 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 this commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

A. *INDIVIDUAL SEWAGE SYSTEM* — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this commonwealth or by means of conveyance to another site for final disposal.

(1) *INDIVIDUAL ON-LOT SEWAGE SYSTEM* — An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

(2) *INDIVIDUAL SEWERAGE SYSTEM* — An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

B. **COMMUNITY SEWAGE SYSTEM** — A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

(1) **COMMUNITY ON-LOT SEWAGE SYSTEM** — A community sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or retaining tank.

(2) **COMMUNITY SEWERAGE SYSTEM** — A publicly or privately owned community sewage system, which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SEWAGE PERMIT — A written permit issued by the Sewage Enforcement Officer, permitting the construction of an individual sewage system under this article.

SMALL FLOW TREATMENT FACILITY — Individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 GPD for final disposal using a stream discharge or other methods approved by the Department.

SOIL HORIZON — A layer of soil approximately parallel to the soil surface with characteristics produced by soil-forming processes.

SOIL MOTTLING (REDOXIMORPHIC FEATURES) — A soil color pattern consisting of patches of different colors or shades of color interspersed with the dominant soil color which results from prolonged saturation of the soil.

SOIL PROFILE — The collection of soil horizons, including the natural organic layers on the surface.

SOLIDS RETAINER — A deflection device at the outlet tee or baffle of a septic tank designed to deflect buoyed solids from escaping the tank.

SPRAY FIELD — Piping, spray heads and ground surface to the outside edges of the wetted perimeter, used for the application and treatment of the sewage effluent in an individual residential spray irrigation system.

SUBDIVISION — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

TREATMENT TANK — A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place.

The term includes the following:

A. *SEPTIC TANK* — A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

B. *AEROBIC SEWAGE TREATMENT TANK* — A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

UNDISTURBED SOIL — Soil or soil profile, unaltered by removal or other man-induced changes, except for agricultural activities, that would adversely affect the siting or operation of on-lot systems.

WATERS OF THIS COMMONWEALTH — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this commonwealth.

§ 333-2. Requirements for individual properties.

A. *No raw sewage, treatment tank effluent or seepage from a subsurface absorption system shall be discharged to the surface of the ground or into waters of the commonwealth, nor shall it be discharged, except as hereinafter provided, into any rock formation, the structure of which is not conducive to purification of water by filtration.*

B. *From and after the effective date of this article, no person or persons shall commence the construction, alteration or extension of any kind or of any nature whatsoever of an individual or community sewage system without first making application for a sewage permit to the Sewage Enforcement Officer and receiving approval of the same. Sewage permits are required for residential structures requiring sewerage systems.*

C. *A department sewage permit is required for the disposal of industrial waste and some classes of community sewerage systems which are subject to approval of the Pennsylvania Department of Environmental Protection.*

D. *Minimum specifications regarding soil percolation test procedures, septic tank capacities and other data pertaining to individual sewage disposal systems are available from the Department and are minimum requirements of the Township also, unless otherwise made more stringent in this article. This data may first be requested from the Sewage Enforcement Officer, and if he has additional copies, they will be made available for general use.*

E. *In the event that a sewage permit is issued by the Sewage Enforcement Officer, it is specifically required that the disposal system constructed upon the premises noted on the permit shall not be closed and operation of said sewage system permitted until said system has been*

inspected by the Sewage Enforcement Officer. The applicant may cover the installation upon receipt of written approval by the Sewage Enforcement Officer or, in the absence of written approval or disapproval, at the expiration of 72 hours, excepting Sundays and holidays, after the system has been inspected by the Sewage Enforcement Officer.

F. If, upon inspection, the Sewage Enforcement Officer determines that the installed system does not meet specifications, he shall so specify the deficiencies in said installed system, in writing, to the applicant. The applicant shall not put the system into operation until such deficiencies have been corrected and until such system has been reinspected and approved by the Sewage Enforcement Officer. There shall be an additional fee charged for each reinspection of an installed system where such reinspection is necessary for the reason set forth above.

G. It shall be the duty of the owner or occupant of a premises to give the Sewage Enforcement Officer free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this article.

H. Holding tanks and related sewage disposal systems are individual sewage systems and require sewage permits. Because such systems do not provide for final on-lot treatment and disposal of the sewage and require regular service and maintenance to prevent their malfunction and overflow, they shall only be used where the Department finds and gives written notice to the approving body that the requirements of the Department have been met, and the following:

(1) Holding tanks shall be large enough to hold a minimum of three days' sewage waste or 1,000 gallons, whichever is larger.

(2) Holding tanks shall be constructed of durable material and shall be completely watertight.

(3) The holding tank shall be equipped with a warning device to indicate when the unit is within 75% of capacity. Such warning device shall create an audible or visible signal at a location frequented by the homeowner or responsible individual.

(4) Disposal of waste from a holding tank must be to a site approved by the Department.

§ 333-3. Individual sewage permit data requirements.

A. All applications for permits shall be made to the Sewage Enforcement Officer who shall issue a permit upon compliance by the applicant with provisions of this article and by regulations adopted hereunder.

B. The Sewage Enforcement Officer may refuse to grant a permit for the construction of an individual sewage disposal system where public or

community sewerage system is reasonably available.

C. Application for permits shall be in writing, shall be signed by the applicant and shall be made on a form supplied by the Township.

D. Any person whose application for a permit under this article has been denied may request and shall be granted a hearing on the matter before the Township Commissioners within 30 days after receipt of the request (in writing).

E. All installations covered by an approved sewage permit shall be completed within three years after the issuing date of the sewage permit. If installations are not completed within the stated period, application must be made for a new sewage permit. Applicant will be required to install the sewage system in accordance with latest Department and/or Township regulations in effect at the date of each permit issued. Should changes in the installation be required, the standard fee schedule for new sewage permit will be issued without charge.

F. All designs submitted for permit issuance shall conform to the following; failure to do so will require additional fees:

Site Plan Information

1. *Property dimensions and bearings.*
2. *Easements to be shown.*
3. *Perc holes and probe(s).*
4. *Septic location and size in regard to surveyed or flagged property lines.*
5. *North arrow.*
6. *Direction of slope.*
7. *Delineated wetlands or bodies of water.*
8. *Outline of berm.*
9. *Adjoining wells and septic.*
10. *Lot number and site location.*
11. *Location of applicant's well and house (minimum 1,000 square feet), existing or proposed.*
12. *Location of proposed driveway.*
13. *Elevations at proposed septic bed corners.*
14. *Septic and dosing tank locations.*
15. *Setbacks for zoning.*
16. *Establish benchmark elevation.*
17. *System to be staked in field.*
18. *Current survey of property.*

Design Criteria

1. *Number of holes in laterals, system flow, friction loss to be shown and calculated.*

2. *Number of bedrooms.*
3. *Limiting zone, perc rate and required depth of deer sand.*
4. *Length of laterals, delivery line and the required (design) dose volume.*
5. *Diameter of piping used in all aspects of the septic system design and construction pump curve.*
6. *Recommended septic tank specifications.*
7. *Diagram of piping and lateral sizing.*
8. *Profile of septic showing berm, sand, stone and piping.*
9. *Name, address and phone number of designer.*
10. *Show height of system after construction using established bench mark.*

§ 333-4. Powers and duties of Sewage Enforcement Officer.

A. *A sewage enforcement officer shall be employed by the local agency who is qualified and certified by examination of the Department of Environmental Protection of the Commonwealth of Pennsylvania and who has been issued such certification by the Certification Board. The Sewage Enforcement Officer shall have the power to:*

- (1) Issue permits for individual and some community sewage systems, including alternate systems, as per current Department regulations.*
- (2) Issue permits only within the jurisdiction of the local agency in which he is employed, provided that he may issue permits within the jurisdiction of other local agencies upon written approval of such local agencies.*

B. *The duties of the Sewage Enforcement Officer shall be as follows:*

- (1) He shall not install an individual or community sewage system in any area under his jurisdiction.*
- (2) No fee for services or work performed shall be accepted by the Sewage Enforcement Officer other than the fee established by the local agency.*
- (3) No test shall be conducted or permit issued by the Sewage Enforcement Officer for an individual or community sewage system for any lot in which such officer has a financial interest, or for any lot in which any person is related to such officer by blood or marriage or has a financial interest, or for any lot in which an employee or business partner of such officer, other than the local agency has a financial interest, unless the Sewage Enforcement Officer has received prior written approval by the Department of Environmental Protection.*
- (4) He shall either observe, conduct personally or otherwise confirm, in a manner approved by the Department, all tests used to determine the*

suitability of a site for the utilization of an individual or community sewage system before a permit for such system is issued. All percolation test results performed by authorized persons other than the Sewage Enforcement Officer before a permit can be issued.

(5) *He shall give written notice to applicants or permittees of any approval, denial or revocation of a permit.*

(6) *He shall provide the Department of Environmental Protection with the pink copy of Form ER-BCE-128, Application for Sewage Disposal System, upon approval or disapproval of each such application, and shall submit, following final inspection of each system, the completed green copy of said copy, in accordance with current Department regulations.*

§ 333-5. Fees.

A. *The Township Commissioners shall establish, by resolution, a schedule of fees to be paid by the applicant for services rendered with respect to processing of applications, inspections, review of plans, performance of percolation tests by authorized Township representatives and other services related to new sewage systems or extensions, alterations, modifications or changes to existing systems.*

B. *The schedule of fees in effect at any period of time shall be posted in the Township Municipal Building and shall be available to interested persons upon request. All fees must be paid in full, in accordance with the official schedule of fees, at the time application is made for the required services.*

C. *The Sewage Enforcement Officer shall prepare and submit to the Township Commissioners a record of all fees paid by applicants for services rendered with respect to this article.*

§ 333-6. Violations and penalties.

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this article shall, upon conviction in a summary proceeding, pay a fine of not more than \$1,000, plus the costs of prosecution, and, in default of the payment of the fine and costs of prosecution, shall be imprisoned for a period not exceeding 30 days.

Article II, Holding Tanks.

Section 333-14 is amended to reflect the standard summary offense penalty.

Article III, On-Lot Sewage Disposal Systems.

Section 333-32A is amended to reflect the standard summary offense penalty.

Article IV, Sewer Connections and Use Regulations.

- A. Section 333-36E is amended to revise the first sentence as indicated: "...and, if applicable, ~~BCRA, DRBC, DEP~~ and BCRA."
- B. Section 333-38A is amended to reflect the standard summary offense penalty.

Chapter 356, Solid Waste.

- A. Original Part IV, Section 17C, Subsection 1.e.1., regarding annual licensing fees, is repealed.
- B. Section 356-17C(2)(a) is amended to revise the second sentence to delete the reference to a permit fee.
- C. Section 356-24 is amended to reflect the standard summary offense penalty.

Chapter 365, Stormwater Management.

- A. Section 365-3 is amended to delete the reference to the Second Class Township Code.
- B. In § 365-7, the defined terms are amended as follows:
 - (1) In the definition of "as-built drawings," the wording at the end is revised as indicated: "...turned over to the ~~Applicant's~~ Township's Engineer at the completion of the project."
 - (2) The definition of "impervious surface" is revised, in part, as indicated: "A surface that ~~greatly minimizes~~ prevents the percolation of water...."
 - (3) The definition of "record drawings" is revised, in part, as indicated:
"...subsequently provided to the ~~Applicant's~~ engineer. The ~~Applicant's~~ engineer takes...."
- C. Sections §§ 365-21E and 365-35A and B are each amended to change the term "codes officer(s)" to "Zoning Officer," and § 365-32 is amended to change the term "Codes Official" to "Zoning Officer."
- D. Section 365-34A is amended to reflect the standard summary offense penalty.

Chapter 371, Street Names and Addresses.

- A. So as to delete references to the several specific sections of the Second Class Township Code, § 371-2 is amended to read as follows: "This chapter is adopted pursuant to the provisions of the Pennsylvania First Class Township Code, Act of June 24, 1931 (P.L. 1206, No. 331), as amended; 53 P.S. § 55101 et seq., for the proper management, care and control of the Township and for the health and welfare of the Township and its citizens; to require and regulate the numbering of buildings; to secure the safety of persons or property within the Township; for ensuring that fire and emergency medical services are provided within the Township by the means and to the extent determined by the Township; and to provide for and regulate the naming of streets, roads and highways."
- B. Section 371-6 is amended as follows:
 - (1) The former lead-in paragraph is deleted as indicated: "~~All street, road and highway name (collectively "street name") sign standards in this ordinance are intended to conform to the recommendations of the National Committee on Uniform Traffic Control Devices published in March 2001 and meet or exceed PennDOT requirements per 67 Pa. Code 211.841 including the use of the term 'street name sign.'~~"
 - (2) Subsection B(2) is revised as indicated: "Building numbers/address markers shall be depicted in Arabic numerals ~~in four inch tall reflective white lettering on a green background or alphabet letters, a minimum of four inches high, with a minimum stroke width of 0.5 inch, and of contrasting color.~~"
- C. Section 371-7A is amended to revise "Township Codes Officer" to "Township Zoning Officer."
- D. Section 371-10 is amended to reflect the standard summary offense penalty.

Chapter 375, Streets and Sidewalks.

Article I, Permits for Street Work.

Article I is amended in its entirety to read as follows:

ARTICLE I Permits for Street Work

§ 375-1. Permit required.

No railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, driveway connections, nor any gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions

be erected upon or in any portion of a Township road except under conditions, restrictions and regulations relating to the installation and maintenance thereof as may be prescribed in permits granted by the Township for such purpose.

§ 375-2. Application for permit.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in duplicate. The application shall be accompanied by all fees for permit application and inspection as determined by the Department of Transportation for processing the application and making the inspection. In addition, the applicant shall submit two copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

§ 375-3. Issuance of permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been satisfied.

§ 375-4. Notice of completion.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

§ 375-5. Inspections; enforcement.

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. In addition to that inspection, the Township may reinspect the work not more than two years after its completion. Where any settlement of the road surface or other defect in the work appears, if the applicant shall fail to rectify and such settlement or other defect which presents an immediate or imminent safety or health problem within 48 hours, or any other settlement or defect within 60 days after written notice from the Township to do so, the Township or its agents may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of the cost, which may be recovered by an action in assumpsit in the Monroe County Court of Common Pleas.

§ 375-6. Emergencies.

Nothing in this article shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for a permit and the required fees shall be submitted within five days after the work, after which time the remaining provisions of this article apply.

§ 375-7. Violations and penalties.

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this article shall, upon conviction in a summary proceeding, pay a fine of not more than \$1,000, plus the costs of prosecution, and, in default of the payment of the fine and costs of prosecution, shall be imprisoned for a period not exceeding 30 days. Each day or portion thereof that a violation exists or continues shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

Article II, Snow and Ice Removal.

Section 375-9 is amended to reflect the standard summary offense penalty.

Article III, Driveways and Road Encroachments.

- A. Section 375-10 is amended, in part, as indicated: "... pursuant to the Second-First Class Township Code, as amended, ~~and including, but not limited to, § 2320, § 2322, § 2325 and § 2326, of the said Act § 53 P.S. § 55101 et seq.~~
- B. Section 375-13A is amended, in part, to revise the order of the wording as indicated: "...and similar encroachments and obstructions (hereinafter referred to as "facility") within Township road rights-of-way (hereinafter referred to as "facility") for the purpose of security,"
- C. Section 375-19A(3) is amended to reflect the standard summary offense penalty.
- D. Section 375-21E is amended to reflect the standard summary offense penalty.

Chapter 382, Structures, Dangerous.

Section 382-8B is amended to reflect the standard summary offense penalty.

Chapter 390, Subdivision and Land Development.

- A. In § 390-13, the definition of "sewage facility" is amended to revise the parenthetical sentence at the end of the definition as indicated: "(See 'sewage

~~disposal, off site' and 'sewage disposal, on site.' 'on-site sewage disposal' and sewage disposal, central.'~~”

- B. Section 390-29E(4) is amended to revise the first sentence as indicated: “The sheet size shall be no smaller than 11 inches by 17 inches ~~12 inches by 18 inches~~ and no larger than 24 inches by 36 inches.
- C. Section 390-43A(6)(e)[2] is amended to revise the reference phrase at the end to read as follows: “[See also §§ 390-43A(6)(e) and 390-47C.]”
- D. Section 390-47C(1) is amended to revise the parenthetical reference phrase at the end to read: “(See § 390-31G for commercial and industrial lots.)”
- E. Section 390-48X(7) is amended in part, as indicated: “Alternative designs. Alternative roadbed designs may be imposed, proposed and shall be considered in accord with Section 1003. The alternate design....”
- F. Section 390-49A(1)(c) is amended, in part, to delete the word “by” as indicated: “...four inches by four inches ~~by~~ and 48 inches in length.”
- G. Section 390-52G(1)(c)[6] is amended, in part, as indicated: “...flow angle is not more ~~less~~ than 90°.”
- H. Section 390-56A(2)(a) is amended to add wording at the end as indicated: “...except Subsections A(6) and (7), which apply to all uses except for outdoor athletic facility lighting fixtures. [See § 390-56A(8)(c).]”
- I. Section 390-68B is amended to revise the second-to-last sentence as indicated: “Placement in a storage area in the campground ~~shall to comply~~ complying with the required relocation or removal shall be permitted.”
- J. Appendix A of this chapter is amended, in part, to include missing text as indicated:
.....

B. *Evergreen trees: minimum eight feet high, four-foot minimum spread,* single leader, symmetrically branching to the ground.*

Abies balsamea — Balsam fir
Ilex opaca — American holly
*Juniperus virginiana — Eastern redcedar***
Picea glauca — White spruce
Picea mariana — Black spruce
*Picea pungens — Colorado spruce***
Pinus echinata — Shortleaf pine
Pinus resinosa — Red pine
*Pinus rigida — Pitch pine***
Pinus strobus — White pine
*Pinus Virginiana — Virginia scrub pine***

Pseudotsuga menziesii — Douglas fir**
Tsuga Canadensis — Eastern hemlock

*NOTE: Spread may be less than four feet for upright or columnar varieties.

**Species considered to be salt-tolerant.

C. Ornamental/flowering trees: minimum eight feet high, five feet minimum spread, symmetrically branched to within four feet from the ground.

Acer Pennsylvanicum — Striped maple
Alnus serrulata — Smooth alder
Amelanchier Canadensis — Shadblow serviceberry**
Asimina trilobum — Common pawpaw
Betula lenta — Sweet birch
Betula nigra — River birch
Betula papyrifera — Paper birch
Carpinus Caroliniana — American hornbeam
Cercis Canadensis — Eastern redbud
Chionanthus Virginicus — Fringetree
Cornus Florida — Flowering dogwood
Crataegus crusgalli — Cockspur hawthorne**
Crataegus mollis — Downy hawthorne
Crataegus phaenopyrum — Washington hawthorne
Diospyros Virginiana — Common persimmon
Hamamelis Virginiana — Common witch hazel**
Larix laricina — American larch**
Magnolia acuminata — Cucumbertree magnolia
Magnolia Virginiana — Sweetbay magnolia
Malus sp. — Crabapple — native species only
Ostrya Virginiana — Ironwood
Oxydendrum arboreum — Sourwood
Prunus Pensylvanica — Pin cherry
Prunus serotina — Black cherry
Prunus Virginiana — Common chokecherry
Ptelea trifoliata — Wafer ash
Robinia pseudoacacia — Black locust
Sassafras albidum — Common sassafras
Taxodium distichum — Baldcypress

**Species considered to be salt-tolerant.

D. Deciduous shrubs: thirty-inch minimum height, twenty-four-inch minimum spread, and symmetrically branched to the ground.

Aesculus parviflora — Bottlebrush buckeye
Aronia arbutifolia — Red chokeberry
Azalea sp. — native species only
Calycanthus Florida — Sweetshrub

.....

Chapter 398, Taxation.**Article I, Earned Income Tax.**

A. Section 398-4F is amended to update the reference as indicated: “...Section 9 of the Act, 53 P.S. § 6924.101 et seq., ...”

B. Section 398-10 is amended to read as follows:

§ 398-10. Collection of delinquent taxes.

The Tax Collector shall demand, receive and collect from all corporations, political subdivisions, associations, companies, firms or individuals 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 certifying that the information contained therein is true and correct and containing the name of the taxable or the spouse 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 any 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 Tax Collector of the taxing district in which such delinquent tax was levied within 60 days after such notice shall have been given. No more than 10% of the wages, commissions or earnings of the delinquent taxpayer or spouse thereof may be deducted at any one time for delinquent earned income taxes and costs. 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 transactions, not exceeding 2% of the amount of money so collected and paid over to the Tax Collector. 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 Tax Collector, less the cost of bookkeeping involved in such transaction, as herein provided, within the time hereby required, such corporation, 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 Tax Collector or by the proper authorities of the taxing district 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. The Tax Collector shall not proceed against a spouse or his employer until he has pursued collection remedies against the delinquent taxpayer and his employer under this section.

C. Section 398-11 is amended to read as follows:

§ 398-11. Payment of tax to other political subdivisions or states.

A. *Payment of any tax to any political subdivision pursuant to an ordinance or resolution passed or adopted prior to the effective date of the Act shall be credited to and allowed as a deduction from the liability of taxpayers for any like tax respectively on salaries, wages, commissions, other compensation or on net profits of businesses, professions or other activities and for any income tax imposed by any other political subdivision of this commonwealth under the authority of the Act.*

B. *Payment of any tax on salaries, wages, commissions, other compensation or on net profits of business, professions or other activities to a political subdivision by residents thereof pursuant to an ordinance or resolution passed or adopted under the authority of the 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 any other political subdivision of this commonwealth under the authority of the Act.*

C. *Payment of any tax on income to any political subdivision by residents thereof pursuant to an ordinance or resolution passed or adopted under the authority of the 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 by any other political subdivision of this commonwealth under the authority of the Act.*

D. *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 may, at the discretion of the Pennsylvania political subdivision imposing such tax, 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 any political subdivision of this commonwealth under the authority of the Act, if residents of the political subdivision in Pennsylvania 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.

E. 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 a political subdivision located in Pennsylvania 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 any political subdivision of this commonwealth under the authority of the Act.

F. 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.

G. No credit or deduction shall be allowed against any tax on earned income imposed under authority of the Act to the extent of the amount of credit or deduction taken for the same period by the taxpayer against any income tax imposed by the Commonwealth of Pennsylvania under Section 314 of the Act of March 4, 1971 (P.L. 6), known as the "Tax Reform Code of 1971," on account of taxes imposed on income by other states or by their political subdivisions.

Article II, Local Services Tax.

Section 398-14 is amended to add the phrase: "and as revised and renumbered in 53 P.S. § 6924.101 et seq."

Article III, Realty Transfer Tax.

Article III is adopted to read as follows:

ARTICLE III ***Realty Transfer Tax***

§ 398-30. Imposition of tax.

The Township of Pocono adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations

therein. The tax imposed under this section shall be at the rate of 1%.

§ 398-31. Administration.

The tax imposed under § 398-30 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the "Local Tax Enabling Act" (53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Pocono, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

§ 398-32. Interest.

Any tax imposed under § 398-30 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153; 53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176; 72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Chapter 404, Tires.

- A. Section 404-3 is amended as indicated: "This chapter is authorized by, and adopted under the authority provided to Pocono Township by the Commonwealth of Pennsylvania pursuant to, Sections 1517, 1527 and 1529 of the Second-First Class Township Code, Act of May 11, 1933 (P.L. 103, No. 69), reenacted and amended November 9, 1995 (P.L. 350, No. 60), as amended, 53 P.S. § 55101 et seq."
- B. Section 404-9 is amended to reflect the standard summary offense penalty.

Chapter 425, Vehicles and Traffic.

Article II, Snow Emergencies.

Section 425-6A is amended to reflect the standard summary offense penalty.

Chapter 439, Water.

Article III, Areas Served by Brodhead Creek Regional Authority.

Section 439-27F is amended to revise the reference at the end as indicated: "... provisions of 53 P.S. § 68303 55101 et seq."

Chapter470, Zoning.

A. In § 470-8:

- (1) The definition of "Administrator" is repealed.
- (2) The definition of "planned residential development" is amended to read as follows: " An area of land not less than 20 acres in size controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, use, density, intensity, type of dwelling, lot coverage and required open space to the regulations established in any one zoning district under the provisions of this chapter. A planned residential development shall not include mobile home parks."
- (3) The definition of "public meeting" is amended to revise the ending as indicated: "...under 65 Pa.C.S.A. Ch. 7 § 701 et seq. (October 15, 1998, P.L. 729, No. 93) (relating to open meetings), known as the 'Sunshine Act.'"
- (4) Under the definition of "street," the definition of "connector street" in Subsection B is amended, in part, as indicated: ". . . and between villages. Connector streets do not normally provide direct access to individual uses. Connector streets serve an unlimited number of dwelling units and unlimited average daily traffic."

B. Section 470-48E is amended to change the reference to "Article VI" to read "Article VIII."

C. Section 470-61A(2) and B(2) are each amended to revise "Code Enforcement Officer" to "Building Code Official."

D. Section 470-99L is amended, in part, as indicated: "...the Township may, in its discretion, continue to maintain said common open space during the next succeeding year, and the decision of the Township shall be subject to appeal . . ."

E. Section 470-101E(3)(d) is amended to change "Design Standards for Streets" to "Table 390-48.1, Minimum Design Standards by Type of Road."

I hereby certify that the within is a true and
correct copy of the proposed Ordinance in this matter.

Lisa A. Pereira

Lisa A. Pereira, Esquire
Solicitor
Pocono Township, Monroe County