

# Code of Ordinances of the Borough of Smethport

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CODE OF ORDINANCES  
of the  
BOROUGH OF SMETHPORT  
McKean County, Pennsylvania

Published by Authority of the Borough

Adopted March 4, 1996

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OFFICIALS

of

BOROUGH OF SMETHPORT

County of McKean  
Pennsylvania

ELECTED OFFICIALS

Mayor - Ross E. Porter

Council

President - Gregory Rounsville

Vice-President - Brian L. Gustafson

- David Ball

- Paul E. Raymond

- Patricia Witchen

- Kent Herzog

- Joshua P. Costa

Tax Collector - Barbara Peterson

APPOINTED OFFICIALS

Secretary - Cheryl O'Rourke

Treasurer - Cherly O'Rourke

Solicitor - Erik A. Ross, Esquire



## FOREWORD

### History

This comprises the codification of the Ordinances of the Borough of Smethport. The Borough of Smethport was originally settled in 1807 and was incorporated as a Borough on February 11, 1853. The Code of Ordinances of the Borough was prepared by Penns Valley Publishers, a division of Fry Communications, and adopted by the Borough Council on March 4, 1996, by Ordinance Number 322.

### 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 codifiers and 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 An ordinance has either been (1) specifically repealed, (2) superseded by another ordinance, (3) is located in a Chapter of the Code book, or (4) is located in the Appendix.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. 322

An Ordinance adopting the Code of Ordinances of the Borough of Smethport, McKean County, Pennsylvania; consolidating, revising, amending and repealing certain ordinances; enacting certain new provisions; adopting standard codes by reference; 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 Smethport hereby ordains:

Section 1. Adoption. The "Code of Ordinances, of the Borough of Smethport," as prepared and published for the said Borough by Penns Valley Publishers, a division of Fry Communications, Inc., Mechanicsburg, Pennsylvania, is hereby adopted as a consolidation, codification and revision of the ordinances of the Borough. Chapters 1 through 27 thereof contain the text of the body of all general administrative and penal ordinances of the Borough organized as follows:

Chapter 1	. . .	Administration and Government
Chapter 2	. . .	Animals
Chapter 5	. . .	Code Enforcement
Chapter 6	. . .	Conduct
Chapter 7	. . .	Fire Prevention and Fire Protection
Chapter 8	. . .	Floodplain Regulations
Chapter 9	. . .	Grading and Excavation
Chapter 10	. . .	Health and Safety
Chapter 13	. . .	Licenses, Permits and General Business Regulations
Chapter 15	. . .	Motor Vehicles and Traffic
Chapter 16	. . .	Parks and Recreation
Chapter 18	. . .	Sewers and Sewage Disposal
Chapter 20	. . .	Solid Waste
Chapter 21	. . .	Streets and Sidewalks
Chapter 24	. . .	Taxation, Special
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 Borough 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 Smethport 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 Smethport 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 Smethport 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>
15, Entire Chapter	Motor Vehicles	55,44,301, 316

B. Revisions

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
1, 2, 201-205	Shade Tree Commission	204
1, 7, 701-703	Firemen's Relief Association	77
1, 8, 801	Secretary/Treasurer Office Combined	173
6, 1, 101-104	Prohibiting Discharge of Firearms	222
6, 2, 201-208	Establishing Curfew	198
6, 3, 301-302	Disorderly Conduct	221
6, 4, 401-405	Consumption of Alcohol	286
13, 1, 101-109	Transient Retail Businesses	140
21, 3, 301-305	Snow and Ice Removal From Sidewalks and Roofs	36
24, 1, 101-107	Earned Income Tax	Res. 125
24, 2, 201-218	Realty Transfer Tax	Res. 131
24, 3, 301-305	Per Capita Tax	Res. 132

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>Short Title</u>
2,	1,	101-108	Dogs Running at Large
15,	Entire	Chapter	Motor Vehicles and Traffic
21,	1,	101-120	Street Excavations
21,	2,	201-209	Construction and Repair of Sidewalks

B. Amendments.

<u>Chapter, Part, Section</u>			<u>Short Title</u>	<u>Ordinance No.</u>
2,	1,	111-116	Cats Running at Large	296, §§1-6
8,	1,	102	Floodplains; Applicability	277
9,	1,	103	Scope	312, §3
10,	4,	408	Noise Limitations	310, §8
18,	1,	106	Failure to Pay Bill	212, Art. IV
20,	1,	103	Collection of Garbage; Application Fee	214, §3
26,	2A,	206	Terms of Payment	290, §6;294
26,	2A,	207	Connections to Water System	290, §7

C. Repeals.

<u>Ord. No.</u>	<u>Short Title</u>
46	Defacing Telephone Poles
57	Licensing of Utility Poles
68	Exhibitions
69	Board of Health
83	Fire Department; Annual Appropriations
84	Providing for and Requiring the Licensing of Dogs
86	Fire Department; Annual Appropriations
87	Public Drunkenness
90	Borough Solicitor
94	Opera Houses and Motion Picture Theaters
105	Trees
124	Public Health Nuisances
133	Fixing Compensation and Bonds
138	Omnibus Health and Safety Ordinance
145	Council of Defense
146	Air Raids and Blackouts
153	Offensive Odors and Noxious Fumes
171	Rest Rooms
209	Dumping Prohibited
225	Planning Commission

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,</u> <u>Part</u>	<u>Short Title</u>
5, 1	BOCA National Plumbing Code
5, 2	National Electrical Code
5, 3	BOCA National Fire Prevention Code
5, 4	National Property Maintenance Code
5, 5	BOCA National Building Code

Section 7. Land Use Code Amendments. The Borough of Smethport Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapter 27 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein, with deletions shown by ~~strike-through~~ and additions shown by underline, all of which is briefly summarized hereinafter.

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

<u>Chapter, Part, Section</u>	<u>Subject</u>
27, 10, 1005	Special Exceptions
27, 10, 1006	Conditional Uses
27, 10, 1007	Parties Appellant Before the Board
27, 10, 1008	Time Limitations
27, 10, 1009	Stay of Proceedings
27, 13, 1302	Enforcement Notice
27, 13, 1303	Causes of Action

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

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
27, 7, 701	Mobile Home Skirting Requirements	230, Art. VII
27, 9, 901	Authorization to Grant or Deny Conditional Uses	230, Art. IX
27, 10, 1001	Zoning Hearing Board	230, §§1100-1101
27, 10, 1002	Hearings	230, §§1101-1102
27, 10, 1003	Jurisdiction	230, §§1100-1102
27, 10, 1004	Variances	230, §1102
27, 12, 1201	Enactment of Zoning Ordinance Amendments	230, §§1200, 1201
27, 12, 1202	Procedure for Landowner Curative Amendments	230, §1200

27,	12,	1203	Procedure for Borough Curative Amendments	230, §1200
27,	12,	1204	Amendments	230, §1203
27,	13,	1301	Appointment and Powers of Zoning Officer	230, §1301
27,	13,	1304	Enforcement Remedies	230, §1301
27,	14,	1402	Particular Definitions	230, §1401; 279, §1
27,	15,	1505	Permitted Uses and Activities	230; 251, §1504

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

<u>Chapter, Part, Section</u>	<u>Subject</u>	<u>Ordinance No.</u>
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NONE

Section 8. 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 Borough Code, Vehicle Code, Municipalities Planning Code and the Local Tax Enabling Act.

Section 9. Amending the Code of Ordinances. The procedure for amending the Code of Ordinances shall include the citation of the Chapter, Part, Section and Subsection to be amended, revised, repealed or added as follows:

A. Amendment or Revision - "Chapter \_\_\_\_\_, Part \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_ is hereby amended [revised] to read as follows..."

B. Additions - "Chapter \_\_\_\_\_, Part \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_ is hereby amended by the addition of the following..."

C. Repeal - "Chapter \_\_\_\_\_, Part \_\_\_\_\_, Section \_\_\_\_\_, Subsection \_\_\_\_\_ is hereby repealed in its entirety."

Section 10. Responsibility for Code of Ordinances. It shall be the responsibility of the 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's Code of Ordinances and shall be available for public inspection.

Section 11. Penalties. It shall be unlawful for anyone to change, alter, or tamper with the code of ordinances in any manner which will intentionally misrepresent the laws of the Borough. Whosoever shall violate this section shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days.

Section 12. 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 4th day of  
March, 1996

BOROUGH OF SMETHPORT

By: /s/ William Wells  
President of Council

ATTEST:

/s/ Patricia C. Fay  
Secretary

EXAMINED AND APPROVED this 13th day  
of March, 1996.

By: /s/ Robert J. Lowell  
Mayor

FEE SCHEDULE

Building Permits	\$1.00 per thousand dollars of estimated cost up to \$20,000 plus \$0.50 per thousand dollars of estimated cost in excess of \$20,000 but not less than \$10.00 in any case.
Garbage Collection Permit	\$20.00
Parks and Recreation	\$25.00
Peddlers	No fee.
Demolition Permits	\$5.00 each story, but not less than \$5.00 in any case.
Variances	\$40.00 plus advertising costs.
Street Excavation Deposit	\$200.00
Sidewalk Excavation Deposit	\$50.00
Curbcut-Driveway Construction Fee	To be fixed by Council.
Soil Erosion, Sedimentation, Grading Fee	To be fixed by Council.
Stormwater (Land Disturbance Fees)	The fees payable by an applicant shall at a minimum cover: <ul style="list-style-type: none"> <li>A. The review of the stormwater management plan.</li> <li>B. The site inspection.</li> <li>C. The inspection of required controls and improvements during construction.</li> <li>D. The final inspection upon completion of the controls and improvements required in the plan.</li> <li>E. Any additional work required to enforce the permit, warnings, correct violations and accrues the completion of stipulated remedial actions.</li> </ul>
Weight Limit Fees-Borough Streets	\$25.00 minimum
Wood Chipper Usage	Excess of 15 minutes billed at \$25.00 per 15 minutes.
Utility Reconnection Fees	\$25.00



Utility Termination Restoration Fees	\$50.00 during working hours. \$75.00 other than working hours.
Water Rates	Domestic-Commercial First 5,000 gal/per month - \$18.00 Each additional 1,000 gal - \$1.40 Vacant res/mobile home - \$9.00
Water Connection Fee	Connection size 5/8" - \$100.00 Connection size 3/4" - \$100.00 Connection size 1" - \$200.00 Connection size 1 1/2" - \$300.00 Connection size 2" - \$400.00 Connection size 3" - \$500.00 Connection size 4" - \$700.00
Sewer Connection Fee	\$1,000.00 [ <u>Res. 379</u> ]
Zoning Permit Fee	\$10.00 [ <u>Res. 401</u> ]

(Res. 369, 5/3/1999; as amended by Res. 379, 5/1/2000; and by Res. 401, 8/2/2004)